

Appeal No. 15-1960

United States Court of Appeals
for the
Federal Circuit

In re: JOBDIVA, INC., *Appellant*.

APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE,
TRADEMARK TRIAL AND APPEAL BOARD, CANCELLATION NO. 92050828

JOINT APPENDIX

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IN RE JOBDIVA, INC.

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**This Opinion is Not a
Precedent of the TTAB**

Mailed: April 16, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

JobDiva, Inc.

v.

Jobvite, Inc.

Cancellation No. 92050828

Daniel I. Schloss of Greenberg Taurig, LLP for JobDiva, Inc.

Martin R. Greenstein of Techmark a Law Corporation for Jobvite, Inc.

Before Taylor, Mermelstein and Bergsman,
Administrative Trademark Judges.

Opinion by Bergsman, Administrative Trademark Judge:

JobDiva, Inc. ("Petitioner") has petitioned to cancel Registration No. 3103253 owned by Jobvite, Inc. ("Respondent") for the mark JOBVITE (standard characters) for "providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions," in Class 35.¹

¹ Issued June 13, 2006; Section 8 affidavit accepted. The registration was based on application Serial No. 78522998 filed on November 25, 2004 under Section 1(a) of the

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As grounds for cancellation, Petitioner alleged that Respondent's mark so resembles Petitioner's mark JOBDIVA, used and registered for "providing end-to-end personnel placement, recruitment and applicant tracking solutions to large and mid-sized staffing organizations worldwide, including in the United States ... includ[ing] a workflow system and process delivered as a service enabling staffing companies to swiftly cultivate the wealth of information that is available today through the Internet" as to be likely to cause confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).² Petitioner pleaded ownership of the two registrations listed below:

1. Registration No. 2851917 for the mark JOBDIVA (typed drawing) for "personnel placement and recruitment," in Class 35;³ and

2. Registration No. 3013235 for the mark JOBDIVA and design, shown below for "personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume

Trademark Act of 1946, 15 U.S.C. § 1051(a), based upon Applicant's claim of first use anywhere as of May 31, 2004 and use in commerce as of November 23, 2004.

² Petition for Cancellation ¶¶ 1, 2, and 11 (1 TTABVUE 3, 4 and 5). Citations to the record in this opinion are to the TTABVUE docket entry number and the electronic page number where the document or testimony appears. Because the Board primarily uses TTABVUE in reviewing evidence, the Board prefers that citations to material or testimony in the record that has not been designated confidential include the TTABVUE docket entry number and the TTABVUE page number. For material or testimony that has been designated confidential and which does not appear on TTABVUE, the TTABVUE docket entry number where such material or testimony is located should be included in any citation. *See Turdin v. Trilobite, Ltd.*, 109 USPQ2d 1473, 1476 n.6 (TTAB 2014).

³ Issued June 8, 2004; renewed. Prior to November 2, 2003, "standard character" drawings were known as "typed" drawings. A typed mark is the legal equivalent of a standard character mark. TMEP § 807.03(i) (January 2015).

Transmittal for 04/25/2016

transmittals and communication of responses thereto via a global computer network,” in Class 35.⁴



Petitioner also alleged that Respondent committed fraud on the USPTO by knowingly making false statements during the prosecution of its application for registration by stating that it had used its mark in connection with all of the services listed in the description of services when it was not using the mark in connection with all of the services.⁵ Specifically, Petitioner contends that at the time Respondent filed its application, Respondent was not using its mark in connection with “posting and listing services.”⁶

Respondent, in its Answer, denied the salient allegations in the Petition for Cancellation and asserted the affirmative defense of laches. Respondent also filed a Counterclaim to Cancel Petitioner’s pleaded registrations on the ground that Petitioner does not provide personnel placement and recruitment services and has abandoned the use of its mark in connection with those services.

Petitioner, in its Reply to the Counterclaim, denied the salient allegations in the counterclaim.

⁴ Issued November 8, 2005; Section 8 affidavit accepted.

⁵ 1 TTABVUE 6-7.

⁶ Petitioner’s Brief, p. 15 (91 TTABVUE 21).

I. Preliminary Issue

A. Numerous objections lodged by the parties.

The parties have lodged numerous objections. None of the evidence sought to be excluded is outcome determinative. Moreover, the Board is capable of weighing the relevance and strength or weakness of the objected-to testimony and evidence, including any inherent limitations, and this precludes the need to strike the testimony and evidence. Given these facts, coupled with the number of objections, we see no compelling reason to discuss the specific objections in detail. As necessary and appropriate, we will point out any limitations applied to the evidence or otherwise note that the evidence cannot be relied upon in the manner sought. We have considered all of the testimony and evidence introduced into the record. In doing so, we have kept in mind the various objections raised by the parties and we have accorded whatever probative value the subject testimony and evidence merit.

B. Whether Respondent's claim, raised in its brief, that Petitioner's application for the registration of JOBDIVA (typed drawing) was void *ab initio* was tried by implied consent?

In its brief, Respondent identified the issues in this proceeding as including “[d]oes the fact that a third party, rather than Petitioner, applied for the JOBDIVA Mark, with the intent to ‘reserve’ it for Petitioner, make the JOBDIVA Registration void *ab initio* such that it should be cancelled?”⁷ Petitioner objected to Respondent's attempt to introduce this unpleaded claim for the first time in Respondent's Brief.⁸

⁷ Respondent's Brief, p. 12 (96 TTABVUE 14).

⁸ Petitioner's Reply Brief in the Cancellation and Responsive Brief in the Counterclaim, p. 13 (98 TTABVUE 17).

Unlawful Use of Trademark

Petitioner has had no notice that Respondent intended to include an additional claim of lack of bona fide intent until it received Respondent's Trial Brief, well after the close of discovery. As Petitioner has had no opportunity to take additional discovery or present additional evidence on this issue, Petitioner would therefore be severely prejudiced by the consideration of this new claim. Therefore, the allegations related to Petitioner's bona fide intent to use are not properly before the Board and the related portions of Respondent's brief should be disregarded.⁹

Respondent argues that testimony on the issue was taken without objection by Petitioner and that Petitioner had an opportunity to present arguments on the issue citing to Petitioner's Reply Brief at page 30, footnote 40.¹⁰

⁹ *Id.*

¹⁰ Respondent's Reply Brief, p. 5 (100 TTABVUE 7). The reference to Petitioner's Reply Brief at page 30, footnote 40, may be found at 98 TTABVUE 17. Petitioner's argument is set forth below:

It is noted that Respondent's claim based upon a lack of bona fide intent is unsupported by the record of this case. The application for the JOBDIVA mark of Registration No. 2,851,917 was originally filed by Algomod Technologies Corporation ("Algomod") in August 2002 on an intent-to-use basis. Petitioner's First Not of Rel. Registration No. 2,851,917 was issued on June 8, 2004. *Id.* [75 TTABVUE 6-7]. Until November 2004, Algomod licensed the mark to JobDiva, Inc., a separate corporate entity that was under common ownership and operated with Algomod. See Obeid Dep. at 42:15-25 [82 TTABVUE 46]. On November 1, 2004, Algomod assigned Registration No. 2,851,917 to Petitioner. See Petitioner's First Not. of Rel. [75 TTABVUE 7]. Petitioner's bona fide intent to use the JOBDIVA mark at the time the application was filed is evidenced, among other ways, by the facts that (1) Algomod, through its related "sister" company, JobDiva, used the JOBDIVA mark from May 2003 until November 2004 and (2) Petitioner has continuously used the JOBDIVA mark in commerce since November 2004.

“Implied consent to the trial of an unpleaded issue can be found only where the nonoffering party (1) raised no objection to the introduction of evidence on the issue, and (2) was fairly apprised that the evidence was being offered in support of the issue.” TBMP § 507.03(b) (June 2014). *See also Morgan Creek Productions Inc. v. Foria International Inc.*, 91 USPQ2d 1134, 1138 (TTAB 2009); *H.D. Lee Co. v. Maidenform Inc.*, 87 USPQ2d 1715, 1720-1721 (TTAB 2008); *Long John Silver's Inc. v. Lou Scharf Inc.*, 213 USPQ 263, 266 n.6 (TTAB 1982) (applicant's objection to the introduction of evidence regarding an unpleaded issue obviated the need to determine whether the issue had been tried by implied consent); *Boise Cascade Corp. v. Cascade Coach Co.*, 168 USPQ 795, 797 (TTAB 1970) (“Generally speaking, there is an implied consent to contest an issue if there is no objection to the introduction of evidence on the unpleaded issue, as long as the adverse party was fairly informed that the evidence went to the unpleaded issue”).

The question of whether an issue was tried by consent is basically one of fairness. The non-moving party must be aware that the issue is being tried, and therefore there should be no doubt on this matter.

Morgan Creek Productions Inc. v. Foria International Inc., 91 USPQ2d at 1139.

Respondent elicited the underlying testimony regarding Respondent's claim that Registration No. 2851917 for the mark JOBDIVA (typed drawing) is void *ab initio* during the cross-examination of Diya Obeid, Petitioner's Chief Executive Officer.¹¹ Petitioner's counsel objected to Respondent's questions regarding the ownership of

¹¹ We are cognizant that Petitioner's counsel opened the door to this line of questioning by asking Mr. Obeid, on direct, to explain why he separately incorporated JobDiva. (82 TTABVue 13). Respondent's counsel was following-up on this line of questioning during the cross-examination of the witness.

Axelon, formerly known as Algomod, a company owned by Diya Obeid, on the ground that "[t]here is no issue in the case that goes to ownership of other entities."¹² Petitioner's counsel inquired "[w]here are you going with this?" There was a discussion off the record and then the cross examination proceeded.¹³ Petitioner's counsel never objected to the line of questioning on the specific ground that the ownership or validity of the registration was not a pleaded issue. On redirect, Petitioner's counsel questioned Mr. Obeid regarding his control over the quality and nature of the services rendered under the JOBDIVA mark while that mark was owned by Algomod Technologies Corporation.¹⁴

Petitioner's counsel did not object to Respondent's line of questions on the ground that they were irrelevant because the issue of whether Petitioner's application for the registration of JOBDIVA (typed drawing) was void *ab initio* had not been pleaded. Nevertheless, Petitioner's counsel did lodge an objection because, in his opinion, there was no issue as to the "ownership of other entities," a seemingly different reason from Respondent's unpleaded void *ab initio* claim. This objection on a different ground suggests that Petitioner's counsel did not know what issue Respondent was getting at during its cross-examination. To clarify exactly why Respondent was pursuing that line of questioning, Respondent could have informed Petitioner that Respondent was putting Petitioner on notice that Respondent was inquiring whether Petitioner had a *bona fide* intent to use the

¹² 82 TTABVUE 39-40.

¹³ 82 TTABVUE 40.

¹⁴ 82 TTABVUE 136- 137.

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JOBDIVA mark in connection with personnel placement and recruitment when Algomod Technologies Corporation filed the application.¹⁵ See *Morgan Creek Productions Inc. v. Foria International Inc.*, 91 USPQ2d at 1138.

As noted above, since the question of whether an issue was tried by implied consent is one of fairness, we cannot find, on this record, that Petitioner was on notice that the cross-examination was intended to try the issue of whether the registration for the mark JOBDIVA (typed drawing) was void *ab initio*. Petitioner's objection to the claim that the application for the mark JOBDIVA (typed drawing) was void *ab initio* is sustained.

II. The Record

The record includes the pleadings and, by operation of Trademark Rule 2.122(b), 37 C.F.R. § 2.122(b), Respondent's registration file and the registration files of Petitioner's pleaded registrations that are the subject of the counterclaim.

A. Petitioner's testimony and evidence.

1. Notice of reliance on copies of Petitioner's pleaded registrations printed from the electronic database of the USPTO showing the current status of and title to the registrations;¹⁶

¹⁵ Of course it is possible that counsel discussed the matter in their off-the-record colloquy during Mr. Obeid's cross-examination. But neither of them claim this happened, and in any event, the facts supporting Petitioner's express or implied consent to trial of the new issue are not apparent on the record.

The better practice, in a situation where the basis for a new ground becomes evident during a testimony deposition, is to file a motion to amend the pleadings pursuant to Fed. R. Civ. P. 15(a), rather than to rely on answers adduced during cross-examination or redirect examination to show that an unpleaded issue was tried by consent. Such a motion, however, must be filed as soon as the basis therefor is known in order to be considered timely.

Transmitted Via E-File

2. Notice of reliance on a copy of the prosecution history file for Registration No. 3095138 for the mark FORUMJOBS (cancelled December 28, 2012);¹⁷

3. Notice of reliance on the following documents:

- a. Dictionary definitions of the word “vite”;¹⁸
- b. Excerpts from Petitioner’s website;¹⁹
- c. Excerpts from Respondent’s website;²⁰
- d. Copy of the Whois registration information for Respondent’s url;²¹
- e. Copy of webpages from the Wayback machine depicting a third-party’s

use of the term “Jobvite”;²²

4. Notice of reliance on excerpts from the discovery deposition of Dan Finnigan, Respondent’s Chief Executive Officer;²³

5. Notice of reliance on excerpts from the discovery deposition of Jesper Schultz, the co-founder of Respondent and former Chief Executive Officer;²⁴

¹⁶ 75 TTABVUE.

¹⁷ 76 TTABVUE.

¹⁸ 77 TTABVUE 7-17.

¹⁹ 77 TTABVUE 20-101.

²⁰ 77 TTABVUE 103-143.

²¹ 77 TTABVUE 145.

²² 77 TTABVUE 149. The webpage is in French and Petitioner failed to provide an English translation. We did not consider the foreign website because there is no basis for us to assume that it would be encountered by the relevant U.S. consumers. *See Stuart Spector Designs, Ltd. v. Fender Musical Instruments Corp.*, 94 USPQ2d 1549, 1552 (TTAB 2009) (striking from evidence excerpts from foreign publications which were not shown to be in general circulation in the United States). Further, because this panel does not speak or read French, the webpage printed in French has no probative value. *Hard Rock Cafe Licensing Corp. v. Elsea*, 48 USPQ2d 1400, 1405 (TTAB 1998) (objections sustained as to documents not in English).

²³ 78 TTABVUE.

6. The testimony deposition of Diya Obeid, Petitioner's Chief Executive Officer, with attached exhibits;²⁵ and

7. Notice of reliance on a copy of Petitioner's website offered to show the services purportedly performed under the JOBDIVA trademark.²⁶

B. Respondent's testimony and evidence.

1. Notice of reliance on the following items:²⁷

- a. Petitioner's responses to Respondent's interrogatories;²⁸
- b. Copies of the USPTO electronic database records of Petitioner's applications and registrations;²⁹
- c. Copies of third-party registrations incorporating the word "job" in connection with employment and recruiting services where the exclusive use of the word "job" has been disclaimed;³⁰
- d. Copies of third-party websites advertising employment and recruiting services where the word "job" is incorporated as part of the trademark or trade name of the entity offering the services;³¹

²⁴ 79 TTABVUE.

²⁵ 82 TTABVUE. The version of Mr. Obeid's deposition with testimony designated as confidential was filed at 81 TTABVUE. Any confidential testimony or evidence referenced in the decision will be so noted.

²⁶ 90 TTABVUE.

²⁷ Respondent also attached excerpts from the testimony deposition of Diya Obeid. Because Petitioner's testimony deposition is already of record, Respondent's proffer is duplicative and unnecessary. Once a testimony deposition has been made of record by one party, it may be referred to by any party for any purpose permitted by the Federal Rules of Evidence. See *Dynamark Corp. v. Weed Eaters, Inc.*, 207 USPQ 1026, 1028 n.6 (TTAB 1980).

²⁸ 85 TTABVUE 8-14.

²⁹ 85 TTABVUE 16-36.

³⁰ 85 TTABVUE 38-295.

Exhibit A No. 02060206

- e. Dictionary definitions of the word “job”;³²
- f. Excerpts from Petitioner’s website offered to show that the word “job” is descriptive when used in connection with employment and recruiting services;³³
- g. Copies of news articles about job, employment, and recruiting products featuring “job-formative” marks offered to show that the word “job” is descriptive when used in connection with employment and recruiting services;³⁴
- h. Copies of news articles by Joyce Lain Kennedy, a freelance journalist, offered to demonstrate her longstanding knowledge regarding Respondent’s services;³⁵
- i. Excerpts from the discovery deposition of Jesper Schultz, with Petitioner’s consent;³⁶
- j. Declaration of Hans Larsen, a co-founder of Respondent, with Petitioner’s consent, authenticating archival webpages from Respondent’s website offered to show the commercial impression engendered by Respondent’s mark;³⁷
- k. Copies of webpages from trade shows offered to show the market interface between the parties;³⁸ and

³¹ 85 TTABVUE 297-391.

³² 85 TTABVUE 393-394.

³³ 85 TTABVUE 396-415.

³⁴ 85 TTABVUE 417-457.

³⁵ 85 TTABVUE 459-462. Petitioner referenced an encounter with Ms. Kennedy at a personnel recruiter trade show as evidence of actual confusion.

³⁶ 85 TTABVUE 466-502.

³⁷ 85TTABVUE 508-524.

³⁸ 86 TTABVUE 8-35.

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1. Copies of news articles from 2006-2011 referencing Respondent;³⁹ and
2. Testimony deposition of Dan Finnigan, Respondent's Chief Executive Officer, with attached exhibits.⁴⁰

III. The Counterclaim

A. Standing

Respondent has standing based on Petitioner's assertion of its registrations against Respondent in Petitioner's petition to cancel Respondent's registration. See *Ohio State University v. Ohio University*, 51 USPQ2d 1289, 1293 (TTAB 1999) (“[A]pplicant's standing to assert the counterclaim arises from applicant's position as a defendant in the opposition and cancellation initiated by opposer”).

B. Whether Petitioner has abandoned its marks in connection with “personnel placement and recruitment?”

Registration No. 2851917 for the mark JOBDIVA (typed drawing) is registered for “personnel placement and recruitment.”

Registration No. 3013235 for the mark JOBDIVA and design is registered, *inter alia*, “personnel placement and recruitment.”

Respondent argues that Petitioner has never used its JOBDIVA marks in connection with personnel placement and recruitment.⁴¹ Petitioner, to the contrary,

³⁹ 86 TTABVUE 37-921.

⁴⁰ 89 TTABVUE. A version of Mr. Finnigan's deposition with some of the testimony designated as confidential was filed at 88 TTABVUE. Any confidential testimony or evidence referenced in the decision will be so noted.

⁴¹ Respondent's Brief, p. 51 (96 TTABVUE 53).

contends that it has continuously rendered personnel placement and recruitment services. The essence of Petitioner's argument is set forth below:

Petitioner's CEO testified that Petitioner uses the JOBDIVA Marks for applicant tracking and contact relationship management to track and manage communications with job applicants. Petitioner also provides a "candidate portal" that can be embedded in a corporate HR website and which allows candidates applying for positions to view and apply for jobs directly through the website. Petitioner's CEO also provided detailed testimony describing JOBDIVA job requisition, resume harvesting, fulfillment and procurement services, all of which constitute personnel placement and recruitment.

Petitioner's website further describes the personnel placement and recruitment services provided under the JOBDIVA Marks. For example, JOBDIVA provides a software as a service ("SaaS") automated recruitment technology with a wide range of recruiting and placement services, including, employment candidate contact relationship management, employment candidate portal communication, flexible or per diem staffing services, and resume harvesting, among others.⁴²

The word "personnel" is defined, *inter alia*, as "a department within a company or organization that deals with the people who work for it."⁴³ The word "placement" is defined, *inter alia*, as "the assignment of a person to a suitable place (as a job or a class in school)."⁴⁴ The word "recruitment" is defined as "the action or process or

⁴² Petitioner's Reply Brief, p. 12 (99 TTABVUE 16).

⁴³ *Merriam-Webster* online dictionary (merriam-webster.com). The Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed format. *In re Cordua Rests. LP*, 110 USPQ2d 1227, 1229 n.4 (TTAB 2014); *Threshold.TV Inc. v. Metronome Enters. Inc.*, 96 USPQ2d 1031, 1038 n.14 (TTAB 2010).

⁴⁴ *Id.*

recruiting.”⁴⁵ “Recruit” is defined as “to find suitable people to get them to join a company, an organization, the armed forces, etc.”⁴⁶ “Personnel placement and recruitment” in Petitioner’s description of services means that Petitioner is finding and placing people in jobs at other companies or providing personnel staffing services for others.

In his testimony, Diya Obeid, Petitioner’s Chief Executive Officer, described JOBDIVA as “an applicant tracking system for recruiting departments, [and] for HR departments seeking to staff people.”⁴⁷ Obeid’s deposition Exhibit 1 is an excerpt from the JOBDIVA website outlining “the product features and capabilities.”⁴⁸ Exhibit 1 identifies JOBDIVA as staffing and recruiting software.⁴⁹ The website states the following:

JOBDIVA INTRODUCTION

- JobDiva is an end-to-end talent management system
- JobDiva is delivered as a service
- JobDiva boots an organization’s capacity to service client needs

The reference to “service” is providing software as a service. In this case, Petitioner’s provision of software is consistent with the computer services identified in Petitioner’s registration: “computer services, namely, providing databases

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ 82 TABVUE 14.

⁴⁸ 82 TTABVUE 16 and 170-174.

⁴⁹ 82 TTABVUE 170.

Exhibit 2 from Mr. Obeid's deposition

featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network." There is no reference on Petitioner's web site to Petitioner's performance of personnel placement and recruitment services other than supplying Petitioner's software.

Likewise, Exhibit 2 from Mr. Obeid's deposition is another excerpt from Petitioner's website.⁵⁰ It further references the JOBDIVA software capabilities without reference to Petitioner performing personnel placement or recruitment services other than supplying Petitioner's software.

Petitioner introduced an excerpt from its website through a notice of reliance identifying JOBDIVA as software in the field of personnel placement and recruitment but not a personnel placement and recruitment service performed by Petitioner.⁵¹

OVERVIEW

JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking platform to large and mid-sized staffing organizations. JobDiva's outlook on the recruiting and staffing industry is as distinctive as the innovative technology that drives its success.

As indicated above, Petitioner contends that it has not abandoned its use of the mark JOBDIVA for personnel placement and recruitment services because by providing a personnel placement and recruitment software application for use by

⁵⁰ 82 TTABVUE 22 and 175-179.

⁵¹ 77 TTABVUE 98. In its April 28, 2014 rebuttal notice of reliance, Petitioner introduced yet another printout of its website to "show the use of JobDiva's marks for its services." (90 TTABVUE 2). Again, the materials show that JOBDIVA is software in the field of personnel placement and recruitment but not a personnel and recruitment service performed by Petitioner.

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others, Petitioner concludes that it is rendering personnel placement and recruitment services. However, Petitioner confuses the service of providing a software solution for personnel placement and recruitment with actually rendering personnel placement and recruitment services.⁵²

According to Section 45 of the Trademark Act, 15 U.S.C. § 1125,

[a] mark shall be deemed to be 'abandoned' ... [w]hen its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. *Nonuse for 3 consecutive years shall be prima facie evidence of abandonment.*

(emphasis added). Further,

[t]he term "use in commerce" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark.

Since there is no evidence of use of Petitioner's marks in connection with "personnel placement and recruitment" services, there has been nonuse for three consecutive years, constituting *prima facie* evidence of abandonment. Petitioner submitted no evidence that it has used its mark in connection with the services, or that it intends to resume such use. In view thereof, we find that Petitioner has abandoned its use of the JOBDIVA marks in connection with "personnel placement

⁵² The original specimen submitted to support Petitioner's applications for registration for "personnel placement and recruitment," while not unambiguous, might possibly be interpreted as referring to personnel placement and recruitment activities performed by Petitioner under the JOBDIVA mark. However, "[s]pecimens in the file of an application for registration, or in the file of a registration, are not evidence on behalf of the applicant or registrant unless identified and introduced into evidence as exhibits during the period for taking testimony." Trademark Rule 2.122(b)(2), 37 C.F.R. § 2.122(b)(2). But even if the specimens were evidence on behalf of Petitioner, and even if we concluded that they showed Petitioner's provision of personnel placement and recruitment, there is no evidence of Petitioner's use of JOBDIVA to identify "personnel placement and recruitment" services, since those specimens were filed on July 21, 2004.

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and recruitment” and the Counterclaim to Cancel Registration No. 2851917 and the Counterclaim to Partially Cancel Registration No. 3013235 are granted.

Registration No. 2851917 will be cancelled in due course and Registration No. 3013235 will be amended pursuant to Section 18 of the Trademark Act, 15 U.S.C. § 1068, to delete “personnel placement and recruitment.”⁵³

IV. The Petition for Cancellation

Having granted Respondent's counterclaim as to one of Petitioner's pleaded registrations and counterclaim to partially cancel the other registration, we now consider Petitioner's claims of likelihood of confusion and fraud solely based on Petitioner's Registration No. 3013235 for “computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network.”⁵⁴

⁵³ Section 18 of the Trademark Act provides that in an *inter partes* proceeding “the Director may refuse to register the opposed mark, may cancel the registration, in whole or in part, may modify the application or registration by limiting the goods or services specified therein, may otherwise restrict or rectify with respect to the register the registration of a registered mark, may refuse to register any or all of several interfering marks, or may register the mark or marks for the person or persons entitled thereto, as the rights of the parties under this chapter may be established in the proceedings.”

⁵⁴ Because the Counterclaim to Cancel Registration No. 2851917 has been granted, the cancelled registration no longer has any probative value. A cancelled or expired registration has no probative value other than to show that it once issued. *See In re Kysela Pere et Fils Ltd.*, 98 USPQ2d 1261, 1264 (TTAB 2011) (“of course, third-party applications have no probative value except to show that an application has been filed, and “dead” or cancelled registrations have no probative previous value at all.”).

Cancellation of Registrations

A. Standing

Petitioner introduced a copy of Registration No. 3013235 for the mark JOBDIVA and design printed from the USPTO electronic database showing the status of and title to the registration.⁵⁵ Because Petitioner has properly made of record its pleaded registration, Petitioner has established its standing. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000); *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).

B. Priority

In a cancellation proceeding in which both parties own registrations, Petitioner must, in the first instance, establish prior rights in the same or similar mark, and Respondent can in turn defeat Petitioner's claim by establishing that, as between the parties, Respondent possesses prior rights in the mark sought to be canceled.

Of course, Petitioner or Respondent may rely on its registration for the limited purpose of proving that its mark was in use as of the application filing date. Thus, a petitioner -- whose application filing date was earlier than respondent's application filing date -- could take its chances and elect to make of record simply a copy[] of its registration. Trademark Rules 2.122(d)(1) and 2.122(d)(2). By so doing, Petitioner's proven first use date of its mark would then be the filing date of the application. However, if Respondent proves an actual first use date pre-dating Petitioner's filing date, the issue of priority, and hence Petitioner's Section 2(d) claim, would be resolved in favor of Respondent.

Brewski Beer Co. v. Brewski Brothers Inc., 47 USPQ2d 1281, 1284 (TTAB 1998)

⁵⁵ 75 TTABVUE 8-9.

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The filing date of Petitioner's application Serial No. 78454470, which issued as Registration No. 3013235 for the mark JOBDIVA and design, was July 21, 2004. The filing date of Respondent's application Serial No. 78522998, which issued as the registration sought to be cancelled, was November 25, 2004. Respondent did not proffer any testimony or evidence to establish an earlier date of first use. In fact, Respondent, in its brief, did not contest Petitioner's priority.

We find that Petitioner has established its priority with respect to the mark JOBDIVA and design for "computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network."

C. Likelihood of Confusion.

Our determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the factors bearing on the issue of likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973). *See also In re Majestic Distilling Co., Inc.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the services. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) ("The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks."). These factors, and any

other relevant *du Pont* factors in the proceeding now before us, will be considered in this decision.

1. The similarity or dissimilarity and nature of the services.

The description of services in Respondent's registration is "providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions."

The description of services in Petitioner's pleaded registration is "computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network."

The services are essentially identical. The only difference is the manner in which the parties described them.

2. The established, likely-to-continue channels of trade and classes of consumers.

Because the services described in the registration sought to be cancelled and in Petitioner's pleaded registration are essentially identical, we must presume that the channels of trade and classes of purchasers are the same. *See In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining likelihood of confusion); *In*

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re Yawata Iron & Steel Co., 403 F.2d 752, 159 USPQ 721, 723 (CCPA 1968) (where there are legally identical goods, the channels of trade and classes of purchasers are considered to be the same); *American Lebanese Syrian Associated Charities Inc. v. Child Health Research Institute*, 101 USPQ2d 1022, 1028 (TTAB 2011).

Also, the testimony and evidence adduced at trial proves that the services at issue move in the same channels of trade and are sold to the same consumers. Prospective users of the online employment and recruiting software applications are in-house human resources departments, independent human resource consultants, and employment recruiters.⁵⁶ Specifically, Respondent markets to companies in the market for recruiting software applications.⁵⁷ Likewise, Petitioner's JOBDIVA applicant tracking system is designed for use by employment recruiters and human resource departments seeking to place prospective employees (*i.e.*, the hiring manager).⁵⁸ Further, both parties were sponsors of the 2013 ERE Recruiting Conference and Expo⁵⁹ and the 2013 SourceCon "conference for professional sources."⁶⁰

3. The conditions under which and buyers to whom sales are made, *i.e.*, "impulse" vs. careful, sophisticated purchasing.

⁵⁶ 85 TTABVUE 475. See also 89 TTABVUE 47, 51 and 75 (the recruiting industry).

⁵⁷ 89 TTABVUE 62-63.

⁵⁸ 82 TTABVUE 14 and 18.

⁵⁹ 89 TTABVUE 472-473.

⁶⁰ 89 TTABVUE 493-496.

Continuation of the Affidavit

There was scant testimony and evidence regarding the degree of care exercised by the parties' customers. From the testimony and evidence, we were able to glean the following:

- a. As discussed above, the parties license their recruiting software applications to in-house human resources departments, independent human resource consultants, and employment recruiters;
- b. Sales are through personal contact;⁶¹ and
- c. "Most prospects have done a significant percent of their research about what to buy and what not to buy before they even talk to a vendor now, which is very different than 20 years ago."⁶²

Under these circumstances, we can assume that the prospective customers will have a focused need for recruiting software applications; the sales will be conducted in consultation with knowledgeable sales personnel and with close examination by the prospective customers; and prospective customers will compare proposals and competing products. In view of the foregoing, we find that the prospective customers will exercise a high degree of consumer care which will minimize the likelihood of confusion.

- 4. The nature and extent of any actual confusion and the length of time during and conditions under which there has been concurrent use without evidence of actual confusion.

As noted above, the parties have concurrently used their marks in connection with identical services rendered in the same channels of trade to the same classes of

⁶¹ 82 TTABVUE 133.

⁶² 89 TTABVUE 65.

TTABVUE 85-528

consumers since approximately 2004. As set forth below, the testimony and evidence presented at trial further demonstrates that there have been opportunities for prospective consumers to have encountered both marks.

Respondent has received recognition in the field of recruiting software applications. For example, Respondent has received, *inter alia*, the awards listed below:

- a. Respondent received the 2009 Gartner Cook Vendor Award. "Gartner [Cook] is a very well-respected analyst in the tech vendor evaluation market";⁶³
- b. Respondent received the 2010 and 2013 Top HR Product of the Year from Human Resource Executive Magazine.⁶⁴ "Any of the top HR product of the year awards are highly respected within the recruitment software industry. They have a panel that's pretty exhaustive in trying to select who wins and who doesn't."⁶⁵

In addition, Respondent has 15,000 twitter followers.⁶⁶

Q. And is that considered to be a substantial number?

A. Yes, compared to other providers, not only of recruiting software but even HR software, it's quite a bit relative to them.

My understanding is it's more than most of the software vendors in the industry.⁶⁷

⁶³ 89 TTABVUE 85.

⁶⁴ 89 TTABVUE 85 and 501-528.

⁶⁵ 89 TTABVUE 85.

⁶⁶ 89 TTABVUE 87.

⁶⁷ *Id.*

Likewise, Petitioner contends that its reputation has grown over the last ten years.

Continuously since 2015, Petitioner has invested increasingly substantial amounts of time, money, and effort in its JOBDIVA Services and these efforts have been quite successful. Petitioner makes a significant annual investment in advertising expenditures in connection with JOBDIVA Services. Additionally, Petitioner spends additional resources marketing the JOVDIVA Services at five to six recruiting trade shows in the United States each year. As a result of Petitioner's substantial investments, Petitioner's revenues from the JOBDIVA Services have steadily climbed since 2004 and increased significantly between 2009 and 2013.⁶⁸

Despite the simultaneous use of JOBDIVA and JOBVITE in connection with providing essentially identical services, in the same channels of trade and to the same classes of consumers for ten years, there is evidence of only one instance of arguable confusion:⁶⁹ At the 2013 ERE conference, Mr. Obeid was talking with an unidentified employee of Simply Hired in front of the Simply Hired display booth when Joyce Lain Kennedy, a freelance journalist, approached and joined the conversation. When Mr. Obeid identified himself as a JOBDIVA employee, Ms. Kennedy said "Yes, I spoke to your people and some of your differentiators have to

⁶⁸ 91 TTABVUE 11, citing Diya Obeid's testimony at 81 TTABVUE 27-28 and 180 [designated confidential]. The testimony regarding Petitioner's revenues and advertising expenditures were designated as confidential and, therefore, we may only refer to them in general terms. Although Petitioner did not put its revenues and advertising expenditures in context by referencing market share, Petitioner's revenues are growing and appear indicative of a successful company. With respect to advertising expenditures, Mr. Obeid testified that "we spend aggressively." (81 TTABVUE 27).

⁶⁹ Petitioner, in its responses to Respondent's interrogatories, stated that it was unaware of any inquiries regarding an affiliation between the parties or of any instances of confusion. 85 TTABVUE 9-10. The interrogatories were signed February 22, 2011, 85 TTABVUE 13. There is no indication that Petitioner supplemented these responses so we assume that they remained accurate at least through the trial and briefing of the case.

do with social networks.”⁷⁰ After Mr. Obeid explained to Ms. Kennedy that he was with JOBDIVA, not JOBVITE, Mr. Obeid testified that Ms. Kennedy “showed tremendous confusion and said “Oh, I thought it’s the same company or something. Aren’t you Jobvite?””⁷¹ Mr. Obeid subsequently confirmed that Ms. Kennedy had not visited the JOBDIVA booth.⁷²

The parties have vigorously argued whether Mr. Obeid’s testimony regarding what Ms. Kennedy said at the 2013 ERE Conference constitutes inadmissible hearsay.⁷³ Even considering the testimony, we find that one reported instance of confusion over a ten year period when there has been a reasonable opportunity for actual confusion to have occurred weighs against finding that there is a likelihood of confusion.

5. The similarity or dissimilarity of the marks in their entirety in terms of appearance, sound, connotation and commercial impression.

We now turn to the *du Pont* likelihood of confusion factor focusing on the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression. *In re E. I. du Pont De Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973). In a particular case, “two marks may

⁷⁰ 82 TTABVUE 32.

⁷¹ 82 TTABVUE 33.

⁷² 82 TTABVUE 34.

⁷³ As noted above, Mr. Obeid testified that Ms. Kennedy “showed tremendous confusion.” Such statements of the declarant’s then-existing state of mind may be an exception to the hearsay rule. Fed. R. Evid. 803(3). In any event, this evidence of confusion would have been more convincing had Ms. Kennedy been called to testify as to whether in fact she was confused and, if so, what caused her confusion. *See Marshall Field, & Co. v. Mrs. Fields Cookies*, 25 USPQ2d 1321, 1327 (TTAB 1992) (“we do not have the benefit of the testimony of the allegedly confused individuals from which to determine what may have been responsible for such confusion”).

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be found to be confusingly similar if there are sufficient similarities in terms of sound or visual appearance or connotation.” *Kabushiki Kaisha Hattori Seiko v. Satellite Int’l, Ltd.*, 29 USPQ2d 1317, 1318 (TTAB 1991) *aff’d mem.*, 979 F.2d 216 (Fed. Cir. 1992) (emphasis in the original; citation omitted). See also *Eveready Battery Co. v. Green Planet Inc.*, 91 USPQ2d 1511, 1519 (TTAB 2009), citing *Krim-Ko Corp. v. The Coca-Cola Co.*, 390 F.2d 728, 156 USPQ 523, 526 (CCPA 1968) (“It is sufficient if the similarity in either form, spelling or sound alone is likely to cause confusion.”).

In comparing the marks, we are mindful that where, as here, the services are identical, the degree of similarity necessary to find likelihood of confusion need not be as great as where there is a recognizable disparity between the services. *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012); *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992); *Jansen Enterprises Inc. v. Rind*, 85 USPQ2d 1104, 1108 (TTAB 2007); *Schering-Plough HealthCare Products Inc. v. Ing-Jing Huang*, 84 USPQ2d 1323, 1325 (TTAB 2007).

“The proper test is not a side-by-side comparison of the marks, but instead ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that persons who encounter the marks would be likely to assume a connection between the parties.” *Coach Servs. Inc. v. Triumph Learning LLC*, 101 USPQ2d at 1721. See also *San Fernando Electric Mfg. Co. v. JFD Electronics Components Corp.*, 565 F.2d 683, 196 USPQ 1, 3 (CCPA 1977); *Spoons Restaurants Inc. v.*

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Morrison Inc., 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd mem.*, 972 F.2d 1353 (Fed. Cir. 1992). The proper focus is on the recollection of the average customer, who retains a general rather than specific impression of the marks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Winnebago Industries, Inc. v. Oliver & Winston, Inc.*, 207 USPQ 335, 344 (TTAB 1980); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975). As discussed above, the parties' usual customers are in-house human resources departments, independent human resource consultants, and employment recruiters who will exercise a high degree of care when making their purchasing decisions regarding licensing the use of a personnel and recruiting software application.

At first blush, the marks are similar because they share the same prefix word "Job." However, because the word "job" is highly descriptive when used in connection with providing software applications in the field of employment recruiting and providing career information, consumers are likely to focus on other features of the marks as an indicator of source. It is well-settled that descriptive matter may have less significance in likelihood of confusion determinations. See *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1846 (Fed. Cir. 2000) ("Regarding descriptive terms, this court has noted that the 'descriptive component of a mark may be given little weight in reaching a conclusion on the likelihood of confusion.'" (quoting *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 752 (Fed. Cir. 1983)); *In re Dixie Rests. Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997).

TTABVue 85-391, 309, 356

While we do not ignore the fact that both marks share the prefix word “Job,” we note that there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on a consideration of the marks in their entireties. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 751 (Fed. Cir. 1985). In this regard, Respondent introduced excerpts from numerous third-party websites in which the word “Job” was incorporated as part of the marks or trade names used in connection with employment and recruitment related services.⁷⁴ The following websites are representative:

a. Job Rooster (linkedin.com/company/job-rooster)⁷⁵

At Job Rooster, our vision is to connect every worker to the global marketplace of professional opportunity. ... Through our service, you can have local job postings, volunteer assignments or educational class listings sent directly to your mobile phone via text message without ever needing a computer or Internet connection. Just text the word JOBS to 27697 (or to 415-787-3906 for MetroPCS) to have customized jobs sent to your phone via text message.

b. Job Fit (Kenexa.com)⁷⁶

Kenexa Job Fit is a powerful tool designed to identify candidates whose job preferences match the characteristics of a job. Applicable to any job, this easy-to-use solution is ideal as a first step in the selection process. By helping to improve employee engagement, job satisfaction and organizational commitment, Kenexa Job Fit can improve overall employee retention.

⁷⁴ 85 TTABVue 297-391.

⁷⁵ 85 TTABVue 309.

⁷⁶ 85 TTABVue 356.

Exhibit A-10 of 25 (1/23/16)

c. JobSync (jobsync.com)⁷⁷

JobSync

Your ATS. Just Easier

Simplify your current ATS.

JobSync creates an intuitive interface for your existing ATS to make it more user-friendly for your recruiters and hiring managers.

Respondent also introduced copies of news articles about job, employment and recruiting products demonstrating the use of “job-formative” marks.⁷⁸ For example, the Capterra (capterra.com) website reviewed “Top Applicant Tracking Software Products” including those of Respondent, Jobscience Staffing, JobApp, JobDig Tracker, Petitioner, JobPage, JobScore, and Jobtrain.⁷⁹ It also reviewed “Top Recruiting Software Products” including Respondent’s, Petitioner’s, as well as those of Jobscience Staffing, JobAdder, Jobaline, JobApp, JobDig Tracker, jobdreaming, JobPage, JobScore, and Jobtrain.⁸⁰

In view of the highly descriptive nature of the word “Job,” as evidenced by its extensive use by third parties in connection with personnel and recruiting software applications, we find that consumers will turn to the other portions of the marks and trade names to identify and distinguish the sources of those products and services.

JOBVITE is not visually similar to JOBDIVA.

⁷⁷ 85 TTABVUE 381.

⁷⁸ 85 TTABVUE 417-457.

⁷⁹ 85 TTABVUE 431-436.

⁸⁰ 85 TTABVUE 338-443.

JOBVITE is not aurally similar to JOBDIVA. Applicant argues, to the contrary, that the suffix syllable VITE in the mark JOBVITE is derived from the French word “vite” meaning “quickly” or “lively” and is, therefore, pronounced “VEET” which is similar to the pronunciation of “Diva” (“DEEVA”).⁸¹ However, JOBVITE is a combination of the words “Job” and the term “Vite” which is an abbreviation for “invitation.”⁸² “[W]hich was the idea of you sending someone a Jobvite, invitation, networking.”⁸³ As Respondent’s CEO testified:

Q. Going back to the term Jobvite, we discussed where the term job came from or what it means. Do you have an understanding, based on your due diligence and your time at Jobvite, as to how the term “vite” came about?

A. Yeah. Well, it was immediately apparent to me the first time I heard it what it meant. It meant job invitation. There were other similar brands out there with similar use of the suffix “vite.” So it was immediately apparent what it meant, job invitation.

* * *

Q. And so when you say an invitation, so is it your understanding that Jobvite came about as a combination of job and a job invitation for job invite?

⁸¹ Petitioner’s Brief, p. 11 (91 TTABVUE 17). The word “vite” is an adverb used in music defined as “briskly; lively.” Dictionary.com based on the RANDOM HOUSE DICTIONARY (2013). (77 TTABVUE 7). See also *Merriam-Webster* online (merriam-webster.com) (“quickly, lively – used chiefly as a direction in music.”) (77 TTABVUE 10).

⁸² Schultz deposition, 79 TTABVUE 10.

⁸³ Schultz deposition, 79 TTABVUE 10 and 15 (“It was a job invitation.”); Schultz deposition, 85 TTABVUE 477 (“but everyone can send out a Jobvite which is a job invitation.”).

(Unrecorded) 04/25/2016 10:05:25

A. Yes, that's why Jesper and his team came up with the name Jobvite.⁸⁴

The testimony from Respondent's witness is corroborated by Respondent's advertising. Excerpts from Respondent's advertising is set forth below:

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Jobvite offers a Web-based service customers use to create and broadcast job invitations, or "jobvites," to employees, business associates, candidates or on social networks like Facebook or LinkedIn. The software works with common workplace software like Microsoft Outlook and Word, making it easy to integrate Jobvite functions with programs that in-house recruiters and hiring managers use to set up job interviews or circulate candidate evaluation forms.

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messages. These personalized job invitations, Jobvites, immediately engage recipients – who then can easily share them as well on leading social networks, virally targeting and finding high quality candidates. This is a powerful new addition to Jobvite's leading eRecruitment application,

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Jobvite is different from traditional tools because it goes beyond posting jobs and focuses on building a talent network. It does this through a social recruitment engine that involves every employee in the recruitment process. It sends "jobvites", invitations, to contacts either through email or sharing options (LinkedIn, Facebook, and Twitter) to everyone in their network.

Because a trademark owner cannot control how its mark is pronounced, there is no one correct pronunciation of a coined mark. In this case, however, we find that it

⁸⁴ Finnigan deposition, 89 TTABVUE 34-35.

⁸⁵ 86 TTABVUE 50.

⁸⁶ 86 TTABVUE 64.

⁸⁷ TTTABVUE 65 and 78.

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is more likely that the “vite” suffix in Respondent’s mark JOBVITE will be pronounced as the suffix in the word “invite” because of the commercial impression of a job invitation.

JOBVITE and JOBDIVA have different meanings and engender different commercial impressions. As discussed immediately above, JOBVITE means a job invitation or job invite and it engenders the same commercial impression. JOBDIVA, on the other hand, connotes a successful job and it engenders the commercial impression of being the best personnel and recruitment software.⁸⁸

We find that the marks are not similar in terms of appearance, sound, connotation or commercial impression.

6. Balancing the factors.

Although the services are identical and presumed to move in the same channels of trade and are sold to the same classes of consumers, because the marks are not similar and because the prospective customers will exercise a high degree of care when making their purchasing decisions, we find that Respondent’s mark JOBVITE for “providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions” is not likely to cause confusion with Petitioner’s mark JOBDIVA and

⁸⁸ “Diva” is defined as a “prima donna” or “a usually glamorous and successful female performer or personality <a fashion *diva*>; *especially*: a popular female singer <pop *divas*>” Merriam-Webster online (merriam-webster.com). Diya Obeid testified that the word “diva” in the mark JOBDIVA has the standard meaning of that word. (82 TTABVue 48-49). “It was meant to be a pleasant term, an attractive term to be utilized as a reference to the system and the product and the company we were forming.” (82 TTABVue 49).

design for “computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network.”

D. Fraud

Petitioner alleges that “Respondent was not using the alleged mark JOBVITE in U.S. commerce with or in connection with all of the services identified in the [3103253] Registration as of the date the ‘998 Application was filed.”⁸⁹ In its brief, Petitioner alleges that when Respondent filed its use-based application, “the mark was not in use for ‘posting and listing services’; instead the term ‘Jobvite’ was used by Respondent to solely identify a means of sending a job listing.”⁹⁰

Fraud in procuring a trademark registration occurs when an applicant knowingly makes false, material representations of fact in connection with its application with intent to deceive the USPTO. *See In re Bose Corp.*, 580 F.3d 1240, 1245, 91 USPQ2d 1938, 1941 (Fed. Cir. 2009); *see also Nationstar Mortg. LLC v. Ahmad*, 112 USPQ2d 1361, 1365 (TTAB 2014); *Swiss Watch Int’l Inc. v. Fed’n of the Swiss Watch Indus.*, 101 USPQ2d 1731, 1745 (TTAB 2012). A party alleging fraud in the procurement of a registration bears the heavy burden of proving fraud with clear and convincing evidence. *Bose*, 91 USPQ2d at 1243 (quoting *Smith Int’l, Inc. v. Olin Corp.*, 209 USPQ 1033, 1044 (TTAB 1981)). For example, the Board will not find fraud if the evidence shows that a false statement was made with a reasonable

⁸⁹ Paragraph No. 16 of the Petition for Cancellation (1 TTABVUE 6).

⁹⁰ 91 TTABVUE 21.

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and honest belief that it was true, rather than intent to mislead the USPTO into issuing a registration to which the applicant was not otherwise entitled. *See id.*; *see also Woodstock's Enters. Inc. (Cal.) v. Woodstock's Enters. Inc. (Or.)*, 43 USPQ2d 1440, 1443 (TTAB 1997), *aff'd*, Appeal No. 97-1580 (Fed. Cir. Mar. 5, 1998).

Deceptive intent is an essential element to a fraud claim.

Subjective intent to deceive, however difficult it may be to prove, is an indispensable element in the analysis. Of course, “because direct evidence of deceptive intent is rarely available, such intent can be inferred from indirect and circumstantial evidence. But such evidence must still be clear and convincing, and inferences drawn from lesser evidence cannot satisfy the deceptive intent requirement.” *Star Scientific, Inc. v. R.J. Reynolds Tobacco Co.*, 537 F.3d 1357, 1366 [88 USPQ2d 1001] (Fed. Cir. 2008). When drawing an inference of intent, “the involved conduct, viewed in light of all the evidence ... must indicate sufficient culpability to require a finding of intent to deceive.” *Kingsdown [Med. Consultants, Ltd. v. Hollister Inc.]*, 863 F.2d 867, 876 [9 USPQ2d 1384] (Fed. Cir. 1988).

Bose, 91 USPQ2d at 1941.

Petitioner's fraud claim fails because Petitioner did not prove by “clear and convincing” evidence that Respondent intended to deceive the USPTO.⁹¹ Petitioner relies on the testimony of Jesper Schultz regarding Respondent's posting and listing services, which may be charitably characterized as muddled.⁹² At the outset, we

⁹¹ Respondent's statements regarding its use of JOBVITE for the identified services as of the application's filing date certainly were material to the examining attorney's approval of the application for publication. Averments and evidence of use of a mark for the goods or services identified in a use-based application are critical to the approval of a use-based application, and if it had been disclosed to the examining attorney that the mark was not in use for the identified services, registration would have been refused. *See Nationstar Mortg. LLC v. Ahmad*, 112 USPQ2d at 1365.

⁹² This is not a criticism of the witness. Mr. Schultz did his best to answer the questions Petitioner posed during his discovery deposition. The difficulty of proving a fraud claim,

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note that rather than proffer testimony or evidence defining “posting and listing” services, Petitioner decided to rely on the Board’s inherent omniscience. The Court of Appeals for the Federal Circuit, our primary reviewing court, frowns on our exercise of that power. *See Amalgamated Bank of New York v. Amalgamated Trust & Savings Bank*, 842 F. 2d 1270, 6 USPQ2d 1305, 1308 (Fed. Cir. 1988) (“It would be strange for the customers of the banks to be confused about whom they were dealing with, and their bankers not know it. On the other hand, the board lays claim to an arsenal of superior knowledge about the banking business, or else it would not perceive, as it seems to do, that the bankers are not telling it the truth, or that deregulation effects such changes that the teaching of experience must be ignored. The source of the board’s knowledge is hard to divine. It is certainly not in the record, which is wholly devoid of anything to discredit or contradict the recitals in the agreement. ... The TTAB’s reliance on its own views regarding the banking industry, rather than the views of the parties in question, contravenes the scope and intent of this court’s precedent in *DuPont* and *Bongrain*.”).

It is not clear from the record whether “posting and listing” is a term of art with a specific meaning in the recruiting field. Also, it is not clear whether the activities of posting and listing positions are integral to or distinct from each other⁹³ (*i.e.*, you

including the challenge of proving deceptive intent, is no secret, each element of the claim must be proved by “clear and convincing” evidence.

⁹³ In identifying goods or services in an application, there is no general prohibition against using terms which overlap in scope or are inclusive of another term. *See Tri-Star Marketing LLC v. Nino Franco Spumanti S.R.L.*, 84 USPQ2d 1912 (TTAB 2007) (applicant who identified its goods as “wines and sparkling wines” did not commit fraud notwithstanding use of its mark only on sparkling wines).

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do not have one without the other). For example, what is the point of posting jobs if there is no means to list or publish them? In the alternative, does a party that lists jobs post them as well? What we can glean from Mr. Schultz's testimony is that Respondent rendered posting and listing services through Forumjobs on the forumjobs.com website which were the same services as those identified in Respondent's JOBVITE application.

Q. In December, 2005 ... was the name of the company still forumjobs?

A. That is correct.

Q. And was the name of the flagship service forumjobs?

* * *

A. I think it's one in [sic] the same. I mean, Jobvite and forumjobs, that's kind of the service we have, yeah. And we called the - - the URL was, you know, forumjobs.

Q. So - -

A. That was the service we - - I mean, the - - that we sold.

Q. Forumjobs was the service - - was the same service that you sold as Jobvite?

A. Yeah. I mean, that was the whole idea here.⁹⁴

* * *

Q. . . . So the question is, were Jobvite and forumjobs the same service?

* * *

⁹⁴ Schultz deposition, 85 TTABVUE 484.

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A. Yes.⁹⁵

* * *

Q. Why would you have two different names for the identical service?

A. Why? We started out with Jobvite - - with forumjobs, and then it kind of became clear that - - it was - - it became - - when we started using Jobvite, it kind of became clear that it was the same - - it was the same thing we were doing, and that's why we, you know, like changed the name in 2000, I think it was '[200]6.

Q. Okay. What about in December 2005?

A. It was the same service.⁹⁶

Even assuming that when Respondent filed the application for registration, Respondent used the service mark FORUMJOBS to post jobs and the service mark JOBVITE to list jobs, Respondent did not intend to deceive the USPTO because Respondent thought that JOBVITE and FORUMJOBS were one and the same. If so, Respondent was wrong and made a mistake. But there is no evidence that Respondent was deceitful.

Petitioner argues that we should infer from the surrounding facts and circumstances that Respondent knowingly made a false representation with the intent to deceive the USPTO, citing *Nationstar Mortg. LLC v. Ahmad, supra*.⁹⁷ However, the conduct of the Applicant in *Nationstar* was far more egregious than anything encountered in this case. For example, in *Nationstar*, the Board expressed

⁹⁵ Schultz deposition, 85 TTABVUE 485.

⁹⁶ Schultz deposition, 85 TTABVUE 486.

⁹⁷ Petitioner's Reply Brief, p. 8 (98 TTABVUE 12).

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grave concerns about the credibility of applicant's testimony — particularly his evasiveness and failure to respond directly to straightforward questions. *Id.* at 1370. Mr. Schultz, testifying on behalf of Respondent, was cooperative and appeared to do his best to answer counsel's questions.

Further, although the *Nationstar* applicant "repeatedly testified that specific information could be found in the documents he produced, he did not introduce or identify any documents corroborating his testimony." *Id.* at 1372. Moreover, the documents on which the *Nationstar* applicant relied could not be considered corroborative, because the applicant's testimony was so lacking in conviction and credibility as to be virtually incapable of corroboration. *Id.* There was no such evasiveness on the part of Respondent's witness in this case.

Finally, the Board noted that the *Nationstar* applicant, as a real estate agent, was well aware of the restrictions on his activities as a real estate agent and that separate licensure is required to engage in other real-estate-related services such as real estate brokerage, insurance brokerage, and mortgage brokerage for which he sought registration when in fact he was not rendering those services. *Id.* at 1373. There is no reason to question Mr. Schultz's credibility in this case.

The fraud claim is dismissed.

Decision: The counterclaim to cancel Registration No. 2851917 on the ground that Petitioner abandoned the mark is granted.

The counterclaim to partially cancel Registration No. 3013235 on the ground that Petitioner abandoned the mark when used in connection with "personnel

placement and recruitment” services is granted. Registration No. 3013235 will be restricted in due course.

The petition to cancel Registration No. 3103253 on the grounds of likelihood of confusion and fraud is denied.

**This Opinion is Not a
Precedent of the TTAB**

Mailed: May 20, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

JobDiva, Inc.
v.
Jobvite, Inc.

Cancellation No. 92050828

REQUEST FOR RECONSIDERATION

Daniel I. Schloss of Greenberg Taurig, LLP for JobDiva, Inc.

Martin R. Greenstein of Techmark a Law Corporation for Jobvite, Inc.

Before Taylor, Mermelstein and Bergsman,
Administrative Trademark Judges.

Opinion by Bergsman, Administrative Trademark Judge:

This case comes before us on Petitioner's Request for Reconsideration of the Board's April 16, 2015 Order granting Respondent's counterclaim cancelling Petitioner's Registration No. 2851917 for the mark JOBDIVA (typed drawing) for "personnel placement and recruitment," in Class 35¹ and partially cancelling Registration No. 3013235 for the mark JOBDIVA and design, shown below for

¹ Issued June 8, 2004; renewed.

Case 1:15-cv-02323

“personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network,” in Class 35.²



The Board found, on the counterclaim for cancellation, that Petitioner abandoned its use of the JOBDIVA marks in connection with “personnel placement and recruitment” because Petitioner submitted no evidence to rebut Respondent’s showing that Petitioner has not used its mark in connection with the services, or that Petitioner does not intend to resume such use, and there was nonuse for three consecutive years, constituting *prima facie* evidence of abandonment.

Petitioner argues that the Board made erroneous findings of fact because there is “abundant evidence of record” that shows Petitioner providing the service of “finding and placing people in jobs at other companies or providing personnel staffing services for others.”³ Petitioner renders these services on a software-as-a-service or “SaaS” basis to third parties.⁴ Thus, Petitioner asserts that it renders “personnel placement and recruitment” services.

² Issued November 8, 2005; Section 8 affidavit accepted.

³ 103 TTABVUE 3.

⁴ 103 TTABVUE 4.

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computer program does not become a service mark merely because the program is sold or licensed in commerce. Such a mark does not serve to identify a service unless it is also used to identify and distinguish the service itself, as opposed to the program. *In re DSM Pharmaceuticals, Inc.*, 87 USPQ2d 1623 (TTAB 2008) (term that merely identifies computer software used in rendering services does not function as a mark to identify custom manufacturing of pharmaceuticals); *In re Information Builders Inc.*, 213 USPQ 593 (TTAB 1982) (term identifies only a computer program, not the service of installing and providing access to a computer program); *In re Walker Research, Inc.*, 228 USPQ 691 (TTAB 1986) (term that merely identifies computer program used in rendering services does not function as a mark to identify market analysis services). However, it is important to review the record carefully to determine the manner of use of the mark and the impression it is likely to make on purchasers.

[I]n today's commercial context if a customer goes to a company's website and accesses the company's software to conduct some type of business, the company may be rendering a service, even though the service utilizes software. Because of the ... blurring between services and products that has occurred with the development and growth of web-based products and services, it is important to review all the information in the record to understand both how the mark is used and how it will be perceived by potential customers.

In re Ancor Holdings, 79 USPQ2d 1218, 1221 (TTAB 2006) (INFOMINDER found to identify reminder and scheduling services provided via the Internet, and not just software used in rendering the services).

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In accordance with the directive in *Ancor Holdings*, we reviewed (and now review again) the evidence regarding Petitioner's use of JOBDIVA as a service mark for "personnel placement and recruitment," paying particular attention to the evidence referenced by Petitioner in the Request for Reconsideration. We looked for evidence that Petitioner was rendering "personnel placement and recruitment services" for others rather than merely providing a software solution for clients to use in performing their "personnel placement and recruitment" activities.

Petitioner confuses the service of providing a software solution for personnel placement and recruitment with actually rendering personnel placement and recruitment services. There is simply no testimony or evidence that supports Petitioner's claim that it is rendering "personnel placement and recruitment" as an activity other than by providing "personnel placement and recruitment" software. The references on Petitioner's web sites show that Petitioner is supplying "personnel placement and recruitment" software, not that Petitioner itself is rendering "personnel placement and recruitment" services for others. Also, the testimony referenced by Petitioner in its Request for Reconsideration is taken out of context and does not support Petitioner's claim that it is rendering "personnel placement and recruitment" services for others separate and apart from providing its software. The references discussed below are illustrative.¹¹

¹¹ While we have not referenced every citation to the record by Petitioner in this decision, we have reviewed the evidence and we find that there is no evidence that shows Petitioner rendering "personal placement and recruitment."

CONFIDENTIAL AND PROPRIETARY

With respect to Obeid testimony Exhibit No. 2, an excerpt from Petitioner's website used by Petitioner for demonstrations,¹² Diya Obeid, Petitioner's Chief Executive Officer, testified as follows regarding the functionality of the **JobDiva** system:

JobDiva aggregates resumes for its clients, employers, from the job boards . . . they apply to job boards to source candidates and that is usually a manual exercise," but JobDiva can "search the job board's sites and databases for candidates on behalf of employers who are subscribing to these job boards, so it's almost like an outsource function that JobDiva performs in the recruiting process.¹³

However, Exhibit 2 does not provide any evidence that Petitioner renders "personnel placement and recruitment services" other than by providing the software that performs those functions. As noted above, Mr. Obeid during his testimony deposition was discussing the capabilities of Petitioner's *software* not the rendering of "personnel placement and recruitment" services by Petitioner.

Petitioner also references another version of its website introduced through a notice of reliance.¹⁴ In the section regarding "New Job Requisitions," Petitioner's website states that "JobDiva offers a data-rich Job screen that's easy to set up and loaded with unique features designed to minimize administrative work and maximize recruiters' time."¹⁵ From the webpage "Benefit from Ongoing Electronic Sourcing of Candidates" Petitioner, in the Request for Reconsideration, references

¹² 82 TTABVUE 22.

¹³ 82 TTABVUE 25.

¹⁴ 90 TTABVUE.

¹⁵ 90 TTABVUE 31.

Continuation of No. 90046628

the following quote: “[JobDiva’s] harvesters are constantly sourcing from job boards. They’ll be searching based on your specific criteria of all jobs.”¹⁶ The full text of the webpage is shown below:

9. Benefit from Ongoing Electronic Sourcing of Candidates

When you first open a job and launch a search in JobDiva, you aren’t searching from scratch.

JobDiva’s harvesters have built your company an extensive database of potential candidates who matched prior jobs.

The harvesters are constantly sourcing from job boards. They’ll be searching based on your specific criteria of all jobs.

They’ll also be searching based on ‘evergreen criteria’ – criteria not associated with an open job but instead skills that recruiting managers have set as always relevant to your staffing needs.

Petitioner’s “harvesters” are functions or capabilities of the **JobDiva** software, not activities performed by Petitioner for the purpose of offering “personnel placement and recruitment services” for others. In the webpages about “Job Harvesting,” Petitioner explains that its “harvesters run silently in the background to create a rich database of candidates for your company to draw on.”¹⁷

More than any other Applicant Tracking System, JobDiva automates hunting, sourcing, data maintenance and other tedious aspects of the recruiting workflow, so that your recruiters won’t even notice there is a workflow.

They can now focus exclusively on the industry’s most important activity: speaking to the most suitable candidates, whom JobDiva’s searches produce quickly and

¹⁶ 90 TTABVUE 58.

¹⁷ 90 TTABVUE 80.

CONFIDENTIAL No. 153000526

in abundance, so that they can beat the competition again and again.¹⁸

* * *

JobDiva's harvesters scrape resumes which meet that set criteria.

JobDiva then parses the resumes and automatically sets up searchable electronic candidate files.¹⁹

The full text of the website makes clear that Petitioner is referring to the capabilities of its software system used in the field of "personnel placement and recruitment services."

As noted above, there is no testimony or evidence that supports Petitioner's claim that it is rendering "personnel placement and recruitment" as an independent activity distinct from providing its software to others.

Decision: The request for reconsideration is denied.

¹⁸ 90 TTABVUE 82.

¹⁹ 90 TTABVUE 84.

PROSECUTION HISTORY OF SERIAL NO. 78522998
(Cancellation No. 92050828)

DATE	DESCRIPTION
11/25/2004	APPLICATION
11/25/2004	DRAWING
11/25/2004	SPECIMEN
12/28/2004	POWER OF ATTORNEY
06/29/2005	XSEARCH SEARCH SUMMARY
06/29/2005	NON-FINAL OFFICE ACTION
12/22/2005	RESPONSE TO NON-FINAL OFFICE ACTION
01/12/2006	TRAM SNAPSHOT OF APPLICATION AT PUBLICATION FOR OPPOSITION
03/01/2006	NOTICE OF PUBLICATION
06/13/2006	REGISTRATION CERTIFICATE
01/11/2007	CHANGE OF CORRESPONDENCE ADDRESS
04/17/2009	PETITION FOR CANCELLATION
04/17/2009	NOTICE AND TRIAL DATES SENT; ANSWER DUE
04/27/2009	P'S CERTIFICATE OF SERVICE OF CANCELLATION PETITION
04/30/2009	UNDELIVERABLE MAIL (NOTICE AND TRIAL DATES)
05/07/2009	NOTICE AND TRIAL DATES SENT; ANSWER DUE
06/05/2009	D'S MOTION FOR AN EXTENSION OF TIME
06/16/2009	ANSWER AND COUNTERCLAIM
06/16/2009	CHANGE OF CORRESPONDENCE ADDRESS
06/17/2009	ORDER: RESPONSE TO COUNTERCLAIM DUE IN 30 DAYS
07/17/2009	P'S MOTION FOR AN EXTENSION OF TIME
07/17/2009	ORDER: EXTENSION OF TIME GRANTED
08/17/2009	P'S MOTION FOR AN EXTENSION OF TIME
08/18/2009	ORDER: EXTENSION OF TIME GRANTED
08/24/2009	P'S MOTION FOR AN EXTENSION OF TIME
08/25/2009	ORDER: EXTENSION OF TIME GRANTED
08/31/2009	ANSWER TO COUNTERCLAIM
02/22/2010	D'S MOTION FOR EXTENSION OF TIME
02/23/2010	ORDER: EXTENSION OF TIME GRANTED
04/26/2010	P'S MOTION FOR EXTENSION OF TIME
04/26/2010	ORDER: EXTENSION OF TIME GRANTED

06/08/2010	D'S MOTION FOR EXTENSION OF TIME
06/23/2010	ORDER: EXTENSION OF TIME GRANTED
07/22/2010	D'S MOTION FOR EXTENSION OF TIME
08/12/2010	ORDER: EXTENSION OF TIME GRANTED
10/21/2010	D'S MOTION FOR EXTENSION OF TIME
11/02/2010	ORDER: EXTENSION OF TIME GRANTED
12/14/2010	D'S NOTICE OF APPEARANCE
12/14/2010	D'S MOTION FOR EXTENSION OF TIME
01/11/2011	ORDER: EXTENSION OF TIME GRANTED
02/09/2011	D'S NOTICE OF APPEARANCE
04/11/2011	D'S CONSENTED MOTION TO SUSPEND PROCEEDINGS FOR 30 DAYS
04/22/2011	ORDER: PROCEEDINGS SUSPENDED
05/02/2011	TEAS CHANGE OF OWNER ADDRESS
06/13/2011	P'S MOTION TO COMPEL DISCOVERY
06/23/2011	ORDER: PROCEEDINGS SUSPENDED PENDING DISPOSITION OF OUTSTANDING MOTION
06/29/2011	D'S RESPONSE TO MOTION TO COMPEL
06/30/2011	D'S RESPONSE TO MOTION TO COMPEL - EXHIBITS
07/18/2011	P'S REPLY IN SUPPORT OF MOTION TO COMPEL
07/15/2011	P'S MOTION TO STRIKE PORTIONS OF D'S OPPOSITION BRIEF REGARDING SETTLEMENT NEGOTIATIONS
08/03/2011	D'S OPPOSITION TO P'S MOTION TO STRIKE PORTIONS OF D'S OPPOSITION BRIEF REGARDING SETTLEMENT NEGOTIATIONS
08/15/2011	P'S REPLY IN SUPPORT OF MOTION TO STRIKE PORTIONS OF D'S OPPOSITION BRIEF REGARDING SETTLEMENT NEGOTIATIONS
12/08/2011	ORDER: MOTION TO COMPEL DISCOVERY GRANTED IN PART; DENIED IN PART; TRIAL DATES RE-SET
01/09/2012	P'S MOTION TO QUASH DISCOVERY
01/25/2012	D'S OPPOSITION TO P'S MOTION TO QUASH DISCOVERY
02/14/2012	P'S REPLY IN SUPPORT OF MOTION TO QUASH DISCOVERY
02/14/2012	P'S RENEWED MOTION TO COMPEL AND FOR AN EXTENSION OF DISCOVERY PERIOD
02/23/2012	PROCEEDINGS SUSPENDED PENDING DISPOSITION OF OUTSTANDING MOTION
02/23/2012	CHANGE OF CORRESPONDENCE ADDRESS
03/05/2012	D'S OPPOSITION P'S RENEWED MOTION TO COMPEL AND FOR AN

	EXTENSION OF DISCOVERY PERIOD
03/09/2012	ORDER; MOTION TO QUASH GRANTED; TRIAL DATES RE-SET
04/23/2012	D'S MOTION FOR JUDGMENT ON PLEADINGS
04/25/2012	PROCEEDINGS SUSPENDED PENDING DISPOSITION OF OUTSTANDING MOTION
05/14/2012	P'S OPPOSITION TO D'S MOTION FOR JUDGMENT ON PLEADINGS
05/24/2012	SPECIMEN
05/24/2012	DECLARATION OF USE OF MARK IN COMMERCE UNDER SECTION 8
06/07/2012	D'S REPLY IN SUPPORT OF ITS MOTION FOR JUDGMENT ON PLEADINGS
06/13/2012	NOTIFICATION OF ACCEPTANCE
07/30/2012	ORDER: MOTION FOR JUDGMENT ON PLEADINGS IS DENIED; TRIAL DATES RE-SET
08/15/2012	P'S MOTION FOR SANCTIONS
08/22/2012	PROCEEDINGS SUSPENDED PENDING DISPOSITION OF OUTSTANDING MOTION
09/04/2015	D'S OPPOSITION TO P'S MOTION FOR SANCTIONS
09/05/2012	ERRATA SHEET TO D'S OPPOSITION TO P'S MOTION FOR SANCTIONS
09/24/2012	P'S REPLY IN SUPPORT OF MOTION FOR SANCTIONS
09/24/2012	CHANGE OF CORRESPONDENCE ADDRESS
12/26/2012	ORDER: MOTION FOR SANCTIONS TO RECEIVE NO CONSIDERATION; TRIAL DATES RE-SET
01/14/2013	ORDER: ANSWER DUE JANUARY 25, 2013
01/25/2013	AMENDED ANSWER
02/08/2013	D'S MOTION FOR SUMMARY JUDGMENT ON LIKELIHOOD OF CONFUSION CLAIM
02/08/2013	D'S MOTION FOR SUMMARY JUDGMENT ON LIKELIHOOD OF CONFUSION CLAIM - EXHIBITS
02/11/2013	D'S MOTION FOR SUMMARY JUDGMENT ON LIKELIHOOD OF CONFUSION CLAIM - EXHIBITS
02/11/2013	D'S MOTION FOR SUMMARY JUDGMENT ON LIKELIHOOD OF CONFUSION CLAIM - EXHIBITS
02/11/2013	D'S MOTION FOR SUMMARY JUDGMENT ON LIKELIHOOD OF CONFUSION CLAIM - EXHIBITS
02/21/2013	PROCEEDINGS SUSPENDED PENDING DISPOSITION OF OUTSTANDING MOTION
03/15/2013	P'S OPPOSITION TO D'S MOTION FOR SUMMARY JUDGMENT

04/03/2013	D'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
08/08/2013	ORDER: MOTION FOR SUMMARY JUDGMENT DENIED
10/29/2013	CHANGE OF CORRESPONDENCE ADDRESS
10/30/2013	P'S NOTICE OF RELIANCE
10/30/2013	P'S NOTICE OF RELIANCE
10/30/2013	P'S NOTICE OF RELIANCE
10/30/2013	P'S NOTICE OF RELIANCE
10/30/2013	P'S NOTICE OF RELIANCE
10/30/2013	P'S NOTICE OF RELIANCE (CONFIDENTIAL)
11/12/2013	P'S TESTIMONY (CONFIDENTIAL)
11/12/2013	P'S TESTIMONY
11/13/2013	D'S MOTION FOR EXTENSION OF ANSWER OR DISCOVERY OR TRIAL PERIODS
12/16/2013	MOTION FOR EXTENSION GRANTED
02/07/2014	TEAS CHANGE OF OWNER ADDRESS
02/27/2014	D'S NOTICE OF RELIANCE
02/27/2014	D'S NOTICE OF RELIANCE
03/24/2014	CHANGE OF CORRESPONDENCE ADDRESS
03/24/2014	D'S TESTIMONY
03/24/2014	D'S TESTIMONY (CONFIDENTIAL)
04/28/2014	P'S NOTICE OF RELIANCE
08/11/2014	P'S FINAL BRIEF
08/11/2014	P'S STATEMENT OF EVIDENTIARY OBJECTIONS
09/03/2014	MOTION TO EXTEND TRIAL BRIEF DATES
09/24/2014	EXTENSION OF TRIAL BRIEF DATES GRANTED
10/01/2014	D'S FINAL BRIEF
10/01/2014	D'S FINAL BRIEF (CONFIDENTIAL)
10/01/2014	D'S STATEMENT OF EVIDENTIARY OBJECTIONS
10/31/2014	P'S REPLY BRIEF
10/31/2014	P'S REPLY BRIEF (CONFIDENTIAL)
11/13/2014	D'S REPLY BRIEF
04/16/2015	BOARD DECISION: GRANTED
05/15/2015	P'S REQUEST FOR RECONSIDERATION
05/20/2015	REQUEST FOR RECONSIDERATION DENIED
06/13/2015	COURTESY REMINDER OF REQUIRED TRADEMARK REGISTRATION

	MAINTENANCE FILINGS
07/20/2015	NOTICE OF APPEAL TO CAFC
07/23/2015	DECLARATION OF INCONTESTABILITY OF A MARK
08/04/2015	FINAL OFFICE ACTION

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,851,917

United States Patent and Trademark Office

Registered June 8, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

JOBDIVA

**ALGOMOD TECHNOLOGIES CORPORATION
(NEW YORK CORPORATION)
116 JOHN STREET
NEW YORK, NY 10038**

FIRST USE 5-0-2003; IN COMMERCE 5-0-2003.

SN 78-151,468, FILED 8-6-2002.

**FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).**

PAULA MAYS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,013,235

United States Patent and Trademark Office

Registered Nov. 8, 2005

**SERVICE MARK
PRINCIPAL REGISTER**



JOBDIVA INC. (DELAWARE CORPORATION)
14TH FLOOR
116 JOHN STREET
NEW YORK, NY 10038

SPONSORS THERETO VIA A GLOBAL COMPUTER
NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT SERVICES; COMPUTER SERVICES,
NAMELY, PROVIDING DATABASES FEATURING
RECRUITMENT AND EMPLOYMENT, EMPLOY-
MENT ADVERTISING, CAREER INFORMATION
AND RESOURCES, RESUME CREATION, RESUME
TRANSMITTALS AND COMMUNICATION OF RE-

FIRST USE 5-31-2003; IN COMMERCE 5-31-2003.

OWNER OF U.S. REG. NO. 2,851,917.

SER. NO. 78-454,470, FILED 7-21-2004.

MARCIE MILONE, EXAMINING ATTORNEY

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA290199**Filing date: **06/16/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050828
Party	Defendant Jobvite, Inc.
Correspondence Address	Jobvite, Inc. 2 Shaw Alley 4th Floor San Francisco, CA 94105 UNITED STATES joanne@jobvite.com
Submission	Answer and Counterclaim
Filer's Name	Eugene Pak, Esq. (DLA Piper LLP)
Filer's e-mail	eugene.pak@dlapiper.com,tmfilings@dlapiper.com,ttabdocket@dlapiper.com
Signature	/Eugene Pak/
Date	06/16/2009
Attachments	Answer and Counterclaim (JobDiva v Jobvite).pdf (47 pages)(910730 bytes)

Registrations Subject to the filing

Registration No	2851917	Registration date	06/08/2004
Registrant	JOBDIVA INC. 116 JOHN STREET 14TH FLOOR NEW YORK, NY 10038 UNITED STATES		

Goods/Services Subject to the filing

Class 035. First Use: 2003/05/00 First Use In Commerce: 2003/05/00 All goods and services in the class are requested, namely: Personnel placement and recruitment
--

Registration No	3013235	Registration date	11/08/2005
Registrant	JobDiva Inc. 14th Floor 116 John Street New York, NY 10038 UNITED STATES		

Goods/Services Subject to the filing

Class 035. First Use: 2003/05/31 First Use In Commerce: 2003/05/31 Requested goods and services in the class: Personnel placement and recruitment services

Attorney Docket No.: 356122-900100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>JOBDIVA, INC.</p> <p>Petitioner,</p> <p>v.</p> <p>JOBVITE, INC.</p> <p>Registrant,</p> <p>And Related Counterclaims.</p>	<p>Cancellation No. 92050828 (Reg. No. 3,103,253)</p> <p>ANSWER AND COUNTERCLAIM</p>
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ANSWER

Registrant Jobvite, Inc. ("Registrant" or "Jobvite"), owner of Registration No. 3,103,253 for the mark JOBVITE, hereby answers the Petition for Cancellation ("Petition") filed by JobDiva, Inc. ("Petitioner"), as follows:

Answering the first unnumbered paragraph of the Petition, Registrant denies that Petitioner is or will continue to be damaged by Registration No. 3,103,253 owned by Registrant. Registrant is located at and doing business at 2 Shaw Alley, San Francisco, California 94105. Answering the remaining allegations in the first unnumbered paragraph, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them

1. Answering numbered paragraph 1 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them.

2. Answering numbered paragraph 2 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them.

3. Answering numbered paragraph 3 of the Petition, Registrant admits that the United States Patent & Trademark Office ("PTO") TEAS website identifies the owner of Registration Nos. 2,851,917 and 3,013,235 as Petitioner, and identifies the services associated with Registration No. 3,013,235 as "Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network." As to Registration No. 2,851,917, Registrant denies that it is for "Personnel placement and recruitment services," rather, the PTO records (see Exhibit A attached to Petition) identifies the services as "Personnel placement and recruitment." (Reg. No. 2,851,917). Except as expressly admitted or denied herein, Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the paragraph and on that basis denies each of them.

4. Answering paragraph 4 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them.

5. Answering paragraph 5 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them.

6. Answering paragraph 6 of the Petition, Registrant admits that on or about November 25, 2004, it filed Application Serial No. 78/522,998, through counsel, to register the mark JOBVITE pursuant to Section 1(a) of the Trademark Act. Registrant admits that Exhibit B appears to be a copy of the application. Except as expressly admitted or denied herein, Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the paragraph and on that basis denies each of them.

7. Answering paragraph 7 of the Petition, Registrant admits that on or about June 13, 2006, the United States Patent & Trademark Office ("USPTO") issued a Certificate of Registration to Registrant, Registration No. 3,103,253, for the mark JOBVITE for "Providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and

listing services, and providing business networking services including arranging business introductions" in Class 35 with an alleged first use date in commerce of November 23, 2004. Registrant admits that Exhibit C appears to be a copy of the registration certificate. Except as expressly admitted or denied herein, Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the paragraph and on that basis denies each of them.

8. Answering paragraph 8 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations in the paragraph, and on that basis denies each of them.

COUNT I
LIKELIHOOD OF CONFUSION

9. Answering paragraph 9 of the Petition, Registrant repeats, realleges and incorporates by reference its answers to the preceding paragraphs as though fully set forth herein.

10. Answering paragraph 10 of the Petition, Registrant denies the allegations in the first sentence therein. Answering the remaining allegations in paragraph 10, Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations therein, and on that basis denies each of them.

11. Answering paragraph 11 of the Petition, Registrant denies the allegations therein. To the extent the allegations in paragraph 11 are based on preceding paragraphs in the Petition, Registrant repeats, realleges and incorporates by reference its answers to such preceding paragraphs as though fully set forth herein.

12. Answering paragraph 12 of the Petition, Registrant denies the allegations therein.

COUNT II
FRAUD

13. Answering paragraph 13 of the Petition, Registrant repeats, realleges and incorporates by reference its answers to the preceding paragraphs as though fully set forth herein

14. Answering paragraph 14 of the Petition, Registrant admits that on or about November 25, 2004, it filed Application Serial No. 78/522,998, through counsel, to register the mark JOBVITE pursuant to Section 1(a) of the Lanham Act. Registrant admits that the application stated that "the mark was first

used at least as early as 05/31/2004, and first used in commerce at least as early as 11/23/2004, and is now in use in such commerce." Except as expressly admitted or denied herein, Registrant denies the allegations therein.

15. Answering numbered paragraph 15 of the Petition, Registrant admits the allegations therein.

16. Answering numbered paragraph 16 of the Petition, Registrant denies the allegations therein.

17. Answering numbered paragraph 17 of the Petition, Registrant denies the allegations therein; Registration No. 3,103,253 does not identify any goods.

18. Answering numbered paragraph 18 of the Petition, Registrant denies the allegations therein.

19. Answering numbered paragraph 19 of the Petition, Registrant denies the allegations therein.

20. Paragraph 20 of the Petition is a legal conclusion requiring no response. Registrant denies that its conduct constitutes fraud on the USPTO and denies that Registration No. 3,103,253 should be cancelled.

AFFIRMATIVE DEFENSES

As and for separate affirmative defenses, Registrant alleges the defenses set forth below. Registrant reserves the right to amend these, raise additional affirmative defenses, or file additional counterclaims based on information obtained in discovery.

FIRST AFFIRMATIVE DEFENSE (Failure to State A Claim)

The Petition should be dismissed on the grounds that Petitioner has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE (Laches)

Petitioner's claims are barred by the doctrine of laches.

**THIRD AFFIRMATIVE DEFENSE
(Acquiescence)**

Petitioner's claims are barred by its acquiescence.

**FOURTH AFFIRMATIVE DEFENSE
(Estoppel/Waiver)**

Petitioner's claims are barred by the doctrine of equitable estoppel and waiver.

**FIFTH AFFIRMATIVE DEFENSE
(Abandonment)**

Petitioner's claims are barred by Petitioner's abandonment of its marks as set forth in Petitioner Jobvite Inc.'s Counterclaim, below.

WHEREFORE, Registrant respectfully requests that:

1. JobDiva, Inc.'s Petition for Cancellation be denied, and judgment entered against Petitioner JobDiva, Inc.; and
2. For such other relief as the Board deems proper.

COUNTERCLAIM

Counterclaim Petitioner Jobvite, Inc. ("Counterclaimant Petitioner" or "Jobvite") hereby petitions to cancel Registration No. 2851917 and to partially cancel Registration No. 3013235, and alleges as follows:

PARTIES

1. Counterclaim Petitioner Jobvite, Inc., is a Delaware corporation which is located at and doing business at 2 Shaw Alley, San Francisco, California 94105. Counterclaim Petitioner has used in commerce the mark JOBVITE in connection with its services since about 2004 and owns Registration No. 3103253 for the mark.

2. Counterclaim Respondent JobDiva, Inc. has alleged in its Petition for Cancellation that it is a Delaware corporation, located and doing business at 116 John Street, 14th Floor, New York, New York 10038. Counterclaim Respondent JobDiva, Inc. is identified as the owner of Registration No.

2851917 for the mark JOBDIVA for the services "Personnel placement and recruitment" in International Class 35, and Registration No. 3013235 for the mark JOBDIVA and Design for the services "Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network" in International Class 35.

CLAIM 1 – CANCELLATION OF REGISTRATION NO. 2851917

3. Counterclaim Respondent realleges and incorporates by reference each and every allegation in paragraphs 1 through 2 above as if fully set forth herein.

4. Counterclaim Petitioner is informed and believes, and on that basis alleges, that the original owner of Registration No. 2851917 for the mark JOBDIVA was Almogod Technologies, Inc., and that Almogod has since changed its name to Axelon Services Corporation (referred to as "Almogod" hereafter).

5. Counterclaim Petitioner is informed and believes, and on that basis alleges, that Almogod filed the application to register the mark JOBDIVA with the U.S. Patent & Trademark Office ("USPTO") on or about March 18, 2003 under Section 1(b) of the Lanham Act, and the application was assigned Serial No. 78151468. A true and correct copy of the application is attached hereto as Exhibit A.

6. Counterclaim Petitioner is informed and believes, and on that basis alleges, that Almogod filed with the USPTO a Statement of Use and specimen for application Serial No. 78151468 on or about March 18, 2004, and the specimen consisted of a printout or screenshot of a webpage. A true and correct copy of the Statement of Use and specimen is attached hereto as Exhibit B.

7. Counterclaim Petitioner is informed and believes, and on that basis alleges, that the USPTO issued Certificate of Registration No. 2851917 to Almogod for the mark JOBDIVA for use in connection with "Personnel placement and recruitment" on or about June 8, 2004. A true and correct copy of such registration is attached hereto as Exhibit C.

8. Counterclaim Petitioner is informed and believes, and on that basis alleges that, Almogod was and is engaged in the business of outsourcing and personnel placement. Counterclaim Petitioner is further informed and believes, and on that basis alleges, that Almogod currently has its website at the URL address <http://web.almogod.com/indexal.php> ("Almogod Web Site").

9. Counterclaim Petitioner is informed and believes, and on that basis alleges that, Almogod assigned Registration No. 2851917 and the marks JOBDIVA and JOBDIVA and Design to Counterclaim Respondent JobDiva, Inc. on or about November 1, 2004.

10. Counterclaim Petitioner is informed and believes, and on that basis alleges, that Almogod currently does not use or own the marks JOBDIVA and JOBDIVA and Design. Counterclaim Petitioner is further informed and believes, and on that basis alleges, that the marks JOBDIVA and JOBDIVA and Design do not appear on the Almogod Web Site except where the site identifies Counterclaim Respondent JobDiva, Inc. and identifies JobDiva's JOBDIVA product.

11. Counterclaim Petitioner is informed and believes, and on that basis alleges, that around the time of, or subsequent to the assignment of Registration No. 2851917 and the JOBDIVA and JOBDIVA and Design marks from Almogod to Counterclaim Respondent JobDiva, Inc., that Counterclaim Respondent ceased to provide personnel placement and recruitment to others under the marks JOBDIVA and JOBDIVA and Design, but instead offered a software or web-based "solution" to enable others, primarily staffing organizations, to themselves manage their personnel placement and recruitment services. Counterclaim Respondent's own website describes itself as follows: "JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking solution to large and mid-sized staffing organizations," at the web page at the URL address <http://info.jobdiva.com/company/overview/>. A true and correct copy of a printout and a screenshot of this webpage are attached hereto as Exhibit D.

12. Counterclaim Petitioner is informed and believes, and on that basis alleges, that Counterclaim Respondent does not provide personnel placement and recruitment to others under the JOBDIVA mark, and has abandoned the JOBDIVA mark as to such services.

13. By reason of the above, and pursuant to 15 U.S.C. § 1064, Counterclaim Respondent has abandoned the JOBDIVA mark, and such registration should be cancelled.

CLAIM 2 – PARTIAL CANCELLATION OF REGISTRATION NO. 3013235

14. Counterclaim Respondent realleges and incorporates by reference each and every allegation in paragraphs 1 through 13 above as if fully set forth herein.

15. Counterclaim Petitioner is informed and believes, and on that basis alleges, that Counterclaim Respondent JobDiva filed the application to register the mark JOBDIVA and Design with the U.S. Patent & Trademark Office ("USPTO") on or about July 21, 2004 under Section 1(a) of the Lanham Act, and the application was assigned Serial No. 78454470. Counterclaim Petitioner is informed and believes, and on that basis alleges, that the specimen submitted with this application consisted of a printout or screenshot of a webpage. A true and correct copy of the application with specimen is attached hereto as Exhibit E.

16. Counterclaim Petitioner is informed and believes, and on that basis alleges, that the USPTO issued Certificate of Registration No. 3013236 to JobDiva, Inc. for the mark JOBDIVA and Design for use in connection with "Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network," on or about November 8, 2005. A true and correct copy of such registration is attached hereto as Exhibit F.

17. Counterclaim Petitioner is informed and believes, and on that basis alleges, that around the time of, or subsequent to the assignment of the JOBDIVA and JOBDIVA and Design marks from Almogod to Counterclaim Respondent JobDiva, Inc., that Counterclaim Respondent ceased to provide personnel placement and recruitment services to others under the marks JOBDIVA and JOBDIVA and Design but instead offered a software or web-based "solution" to enable others, primarily staffing organizations, to themselves manage their personnel placement and recruitment services. Counterclaim Respondent's own website describes itself as follows: "JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking solution to large and mid-sized staffing organizations," at the web page at the URL address <http://info.jobdiva.com/company/overview/>.

18. Counterclaim Petitioner Jobvite, Inc. is informed and believes, and on that basis alleges that Counterclaim Respondent does not provide personnel placement and recruitment services to others under the JOBDIVA and Design mark, and has abandoned the JOBDIVA and Design mark as to such services.

19. By reason of the above, and pursuant to 15 U.S.C. § 1064, Counterclaim Respondent has abandoned the JOBDIVA and Design mark as to "Personnel placement and recruitment services," and such registration should be partially cancelled as to "Personnel placement and recruitment services."

PRAYER FOR RELIEF AS TO COUNTERCLAIM

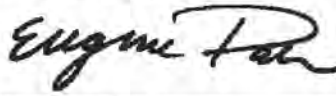
WHEREFORE, Counterclaim Petitioner Jobvite, Inc. requests that the Board enter judgment and grant relief in its favor and against Counterclaim Respondent JobDiva, Inc. as follows:

- A. For cancellation of United States Trademark Registration No. 2851917;
- B. For partial cancellation of United States Trademark Registration No. 3013235 as to "Personnel placement and recruitment services";
- C. For such other relief as the Board deems just and proper.

Dated: June 16, 2009

Respectfully submitted,

DLA PIPER LLP (US)

By: 
Eugene M. Pak

555 Mission Street, Suite 2400
San Francisco, CA 94105

Attorneys for Respondent
JOBVITE, INC.

EXHIBIT A

A0064

Drawing Page

Serial Number:

78151468

Applicant:

Algomod Technologies Corporation
116 John Street
New York NY USA 10038



Goods and Services:

Personnel placement and recruitment

Mark:

JOBDIVA



NO OCR



08-06-2002

A0065

eTees Trademark/Service Mark Application

78151468

DOCUMENT INFORMATION	
TRADEMARK/SERVICEMARK APPLICATION	
VERSION 1.24	
APPLICANT INFORMATION	
NAME	Algomod Technologies Corporation
STREET	116 John Street
CITY	New York
STATE	NY
COUNTRY	USA
ZIP/POSTAL CODE	10038
TELEPHONE NUMBER	(212) 306-0101
FAX NUMBER	(212) 306-0191
APPLICANT ENTITY INFORMATION	
CORPORATION: STATE/COUNTRY OF INCORPORATION	New York
TRADEMARK/SERVICEMARK INFORMATION	
MARK	JOBDIVA
TYPED FORM	Yes
BASIS FOR FILING AND GOODS/SERVICES INFORMATION	
INTENT TO USE: SECTION 1(b)	Yes
INTERNATIONAL CLASS NUMBER	035
LISTING OF GOODS AND/OR SERVICES	Personnel placement and recruitment

78151468

eTee Trademark/Service Mark Application

78151468

ATTORNEY INFORMATION	
NAME	Maren Coburn
STREET	345 Park Avenue
CITY	New York
STATE	NY
COUNTRY	USA
ZIP/POSTAL CODE	10154
E-MAIL ADDRESS	mcoburn@morganfinnegan.com
AUTHORIZE E-MAIL COMMUNICATION	Yes
FIRM NAME	Morgan & Finnegan, L.L.P.
TELEPHONE NUMBER	(212) 758-4800
FAX NUMBER	(212) 751-6849
ATTORNEY DOCKET NUMBER	4404-4002
OTHER APPOINTED ATTORNEY(S)	David H. Pfeffer; Harry C. Marcus; Robert E. Paulson; Stephen R. Smith; Kurt E. Richter; J. Robert Dailey; Eugene Moroz; John F. Sweeney; Arnold I. Rady; Christopher A. Hughes; William S. Feiler; Janet Dore; Joseph A. Calvaruso; James W. Gould; Richard C. Komson; Israel Blum; Christopher K. Hu; Bartholomew Verdirame; Dickerson M. Downing; Maria C.H. Lin; Joseph A. DeGirolamo; Michael P. Dougherty; Seth J. Atlas; Andrew M. Riddles; Bruce D. DeRenzi; Mark J. Abate; John T. Gallagher; Steven F. Meyer; Kenneth H. Sonnenfeld; Michael S. Marcus; John E. Hoel; David H.T. Kane; Siegrun D. Kane; Tony V. Pezzano; Walter G. Hanchuk; Andrea L. Wayda; John Osborne; Robert K. Goethals; Peter N. Fill; Kenneth W. Weitzman; Mary Morry; Kathleen E. McCarthy; Cindy M. Zelson; Scott D. Greenberg
FEE INFORMATION	
TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1

78151468

eTess Trademark/Service Mark Application

78151468

NUMBER OF CLASSES	1
LAW OFFICE INFORMATION	
E-MAIL ADDRESS FOR CORRESPONDENCE	mcoburn@morganfinnegan.com
SIGNATURE AND OTHER INFORMATION	
USE HANDWRITTEN SIGNATURE	Yes
SIGNATURE	
DATE	
MAILING ADDRESS	
LINE	Maren Coburn
LINE	Morgan & Finnegan, L.L.P.
LINE	345 Park Avenue
LINE	New York NY 10154
RAM INFORMATION	
RAM SALE NUMBER	213
RAM ACCOUNTING DATE	20020807
SERIAL NUMBER INFORMATION	
SERIAL NUMBER	78/151468
INTERNET TRANSMISSION DATE	Tuesday, 08-06-2002 17:11:39 EDT
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E-MAIL ADDRESS FOR ACKNOWLEDGMENT	mcoburn@morganfinnegan.com

78151468

eTess Trademark/Service Mark Application

78151468

<SERIAL NUMBER> 78151468

<FILING DATE> 08/06/2002

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<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.24>

<APPLICANT INFORMATION>

<NAME> Algomod Technologies Corporation

<STREET> 116 John Street

<CITY> New York

<STATE> NY

<COUNTRY> USA

<ZIP/POSTAL CODE> 10038

<TELEPHONE NUMBER> (212) 306-0101

<FAX NUMBER> (212) 306-0191

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> New York

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> JOBDIVA

<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<INTENT TO USE: SECTION 1(b)> Yes

* Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(b), as amended.) *

<INTERNATIONAL CLASS NUMBER> 035

<LISTING OF GOODS AND/OR SERVICES> Personnel placement and recruitment

<ATTORNEY INFORMATION>

<NAME> Maren Coburn

<STREET> 345 Park Avenue

<CITY> New York

<STATE> NY

<COUNTRY> USA

eTees Trademark/Service Mark Application

78151468

<ZIP/POSTAL CODE> 10154
 <E-MAIL ADDRESS> mcoburn@morganfinnegan.com
 <AUTHORIZE E-MAIL COMMUNICATION> Yes
 <FIRM NAME> Morgan & Finnegan, L.L.P.
 <TELEPHONE NUMBER> (212) 758-4800
 <FAX NUMBER> (212) 751-6849
 <ATTORNEY DOCKET NUMBER> 4404-4002
 <OTHER APPOINTED ATTORNEY(S)> David H. Pfeffer; Harry C. Marcus; Robert E. Paulson; Stephen R. Smith; Kurt E. Richter; J. Robert Dailey; Eugene Moroz; John F. Sweeney; Arnold I. Rady; Christopher A. Hughes; William S. Feiler; Janet Dore; Joseph A. Calvaruso; James W. Gould; Richard C. Komson; Israel Blum; Christopher K. Hu; Bartholomew Verdirame; Dickerson M. Downing; Maria C.H. Lin; Joseph A. DeGirolamo; Michael P. Dougherty; Seth J. Atlas; Andrew M. Riddles; Bruce D. DeRenzi; Mark J. Abate; John T. Gallagher; Steven F. Meyer; Kenneth H. Sonnenfeld; Michael S. Marcus; John E. Hoel; David H.T. Kane; Siegrun D. Kane; Tony V. Pezzano; Walter G. Hanchuk; Andrea L. Wayda; John Osborne; Robert K. Goethals; Peter N. Fill; Kenneth W. Weitzman; Mary Morry; Kathleen E. McCarthy; Cindy M. Zelson; Scott D. Greenberg

<FEE INFORMATION>

<TOTAL FEES PAID> 325
 <NUMBER OF CLASSES PAID> 1
 <NUMBER OF CLASSES> 1

<LAW OFFICE INFORMATION>

* The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address *

<E-MAIL ADDRESS FOR CORRESPONDENCE> mcoburn@morganfinnegan.com

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

78151468

Teas Trademark/Service Mark Application

78151468

*

<USE HANDWRITTEN SIGNATURE> Yes

<SIGNATURE>

<DATE>

<MAILING ADDRESS>

<LINE> Maren Coburn

<LINE> Morgan & Finnegan, L.L.P.

<LINE> 345 Park Avenue

<LINE> New York NY 10154

<RAM INFORMATION>

<RAM SALE NUMBER> 213

<RAM ACCOUNTING DATE> 20020807

<SERIAL NUMBER INFORMATION>

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<INTERNET TRANSMISSION DATE> Tuesday, 08-06-2002 17:11:39 EDT

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RAM-213-20020806170827495

E-MAIL ADDRESS FOR ACKNOWLEDGMENT> mcoburn@morganfinnegan.com

78151468

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

*

<USE HANDWRITTEN SIGNATURE> Yes

<SIGNATURE>

<DATE>

<SIGNATURE AND OTHER INFORMATION>

<NAME>

<TITLE>

Signature:  _____

Date: 8/6/2002

Signatory's Name: DEYAN OBES

Signatory's Position: PRESIDENT

EXHIBIT B

A0074

4404-1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Algomod Technologies Corporation

Mark: JOBDIVA

Serial No.: 78/151,468

Class: 35

**Notice of Allowance
Issue Date:** June 10, 2003

BOX ITU - FEE
Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

2003 MAR 23 A 11:01
TM.S.G.
ITU UNIT

STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION

Sir:

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 et. seq., as amended). Applicant is using the mark in commerce on (or in connection with) all of the services identified in the Notice of Allowance.

The mark was first used in connection with the services in Class 35 in the United States at least as early as May, 2003; the mark was first used in connection with the services in Class 35 in interstate commerce at least as early May, 2003; and is now in use in such commerce (15 U.S.C. § 1051(d), as amended).

A specimen showing the mark as actually used in commerce are submitted herewith.

826891 v1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

03-18-2004

U.S. Patent & TMO/TM Mail Regs Dt. #68

03/18/2004 TMSH: 0000105 78151468
01 FEB 2003 100.00 US

A0075

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the Applicant; the Applicant believes it is the owner of the mark sought to be registered; the mark is now in use on or in connection with the services identified above; that the facts set forth herein are true and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: 3/10/2004

**ALGOMOD TECHNOLOGIES
CORPORATION**

By: 

Name: DEYA OBEID

Title: PRESIDENT

SERVICE MARK
4404-4002
78/151,468

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Algomod Technologies Corporation

Mark: JOBDIVA

App. No.: 78/151,468

Class: 35

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8


Date: March 16, 2004

I hereby certify that the following attached papers

1. STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION; and
2. Check in the amount of \$100

are being deposited with the United States Postal Service as first class mail on the date indicated above, in an envelope addressed to: Commissioner for Trademarks, BOX ITU/FBE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Maren C. Perry
Typed Name


Signature of person mailing
papers or fee

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154
212-758-4800
212-671-6849 (telecopier)

827904 v1

SPECIMEN

Applicant: Algomod Technologies Corporation

Mark: JOBDIVA

Class: 35

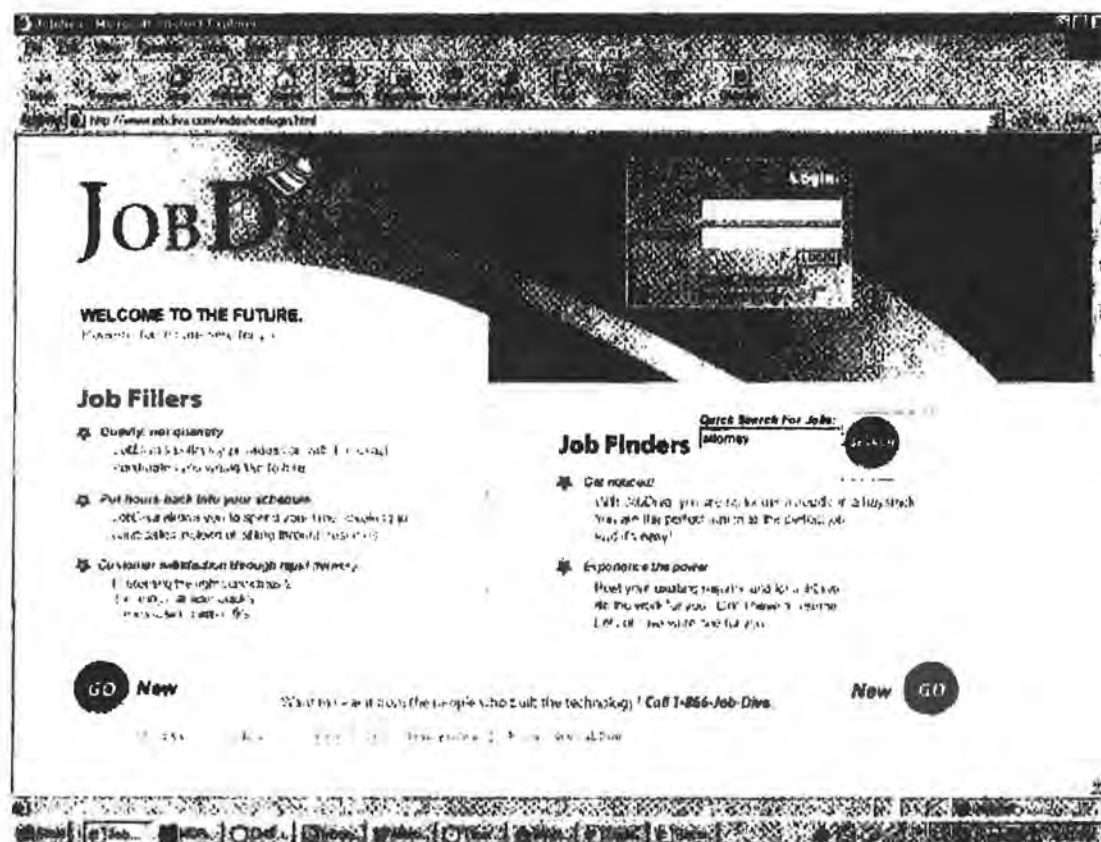


EXHIBIT C

A0079

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,851,917

Registered June 8, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

JOBDIVA

**ALGOMOD TECHNOLOGIES CORPORATION
(NEW YORK CORPORATION)
116 JOHN STREET
NEW YORK, NY 10038**

FIRST USE 5-0-2003; IN COMMERCE 5-0-2003.

SN 78-151,468, FILED 8-6-2002.

**FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).**

PAULA MAYS, EXAMINING ATTORNEY

EXHIBIT D

A0081

[Home](#)[Testimonials](#)[Company](#)

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LOGIN

COMPANY

OVERVIEW

LEADERSHIP TEAM

OVERVIEW

JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking solution to large and mid-sized staffing organizations. JobDiva's outlook on the recruiting and staffing industry is as distinctive as the innovative technology that drives its success.

JobDiva's Applicant Tracking was originally developed by Algomod Technologies, a leader in IT staffing and consulting. The solution represents more than twenty years of research and development based on Algomod's perspective as an end user servicing the largest companies in telecommunications, banking, insurance, brokerage, pharmaceutical and utility.

The substantial value of the JobDiva solution has been unleashed through a simple, yet revolutionary capability: identifying winning candidates by speedily searching resumes by relevant years of experience required for a job. This distinctive capability was encapsulated in a system that provided a broad window to the Internet. JobDiva - building on steady growth, a rich heritage of innovation, and extensive experience in the recruiting industry - remains committed to continually advancing the long-term success of its clients. Above all, JobDiva prides itself on delivering a demonstrable return on investment to all of its clients' bottom lines.

<http://info.jobdiva.com/company/overview/>

6/16/2009

JobDiva | Our Company | Overview | Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help : Address : http://info.jobdiva.com/company/overview/

Home Testimonials **Company**

JOB DIVA

Powerful Staffing Solutions

COMPANY

OVERVIEW

LEADERSHIP TEAM

JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking solution to large and mid-sized staffing organizations. JobDiva's outlook on the recruiting and staffing industry is as distinctive as the innovative technology that drives its success.

JobDiva's Applicant Tracking was originally developed by Algomod Technologies, a leader in IT staffing and consulting. The solution represents more than twenty years of research and development based on Algomod's perspective as an end user servicing the largest companies in telecommunications, banking, insurance, brokerage, pharmaceutical and utility.

The substantial value of the JobDiva solution has been unleashed through a simple, yet revolutionary capability: identifying winning candidates by speedily searching resumes by relevant years of experience required for a job. This distinctive capability was encapsulated in a system that provided a broad window to the Internet. JobDiva - building on steady growth, a rich heritage of innovation, and extensive experience in the recruiting industry - remains committed to continually advancing the long-term success of its clients. Above all, JobDiva prides itself on delivering a demonstrable return on investment to all of its clients' bottom lines.

LOGIN

Email:

Password:

Forgot Password? ☐ Remember Me

LOGIN

Internet

EXHIBIT E

A0085

\\tirs\EXPORT10\IMAGEOUT
10\784\544\78454470\xml1\ APP0002.JPG

Trademark/Service Mark Application, Principal Register

Serial Number: 78454470

Filing Date: 07/21/2004

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USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	JOBDIVA
COLOR MARK	NO
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	716 x 930
OWNER SECTION	
NAME	JobDiva Inc.
INTERNAL ADDRESS	14th Floor
STREET	116 John Street
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10038
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	035
DESCRIPTION	Personnel placement and recruitment services.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/31/2003
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2003
SPECIMEN FILE NAME(S)	\\tcrs\EXPORT10\IMAGEOUT 10\784\544\78454470\xml1\ APP0003.JPG
SPECIMEN DESCRIPTION	a scanned printout from Applicant's website offering services

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	042
DESCRIPTION	Computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/31/2003
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2003
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SPECIMEN DESCRIPTION	a scanned printout from Applicant's website offering services

SIGNATURE SECTION

SIGNATORY FILE	\\tcrs\EXPORT10\IMAGEOUT 10\784\544\78454470\xml1\ APP0005.JPG
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PAYMENT SECTION

NUMBER OF CLASSES	2
NUMBER OF CLASSES PAID	2
SUBTOTAL AMOUNT	670

TOTAL AMOUNT	670
ATTORNEY	
NAME	Maren C. Perry
FIRM NAME	Morgan & Finnegan, LLP
STREET	345 Park Avenue
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10154
COUNTRY	United States
PHONE	(212) 758-4800
FAX	(212) 751-6849
EMAIL	ptotmcommunications@morganfinnegan.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	4404-4007
OTHER APPOINTED ATTORNEY(S)	David H. Pfeffer; Harry C. Marcus; Stephen R. Smith; Kurt E. Richter; J. Robert Dailey; Eugene Moroz; John F. Sweeney; Arnold I. Rady; Christopher A. Hughes; William S. Feiler; Janet Dore; Joseph A. Calvaruso; James W. Gould; Richard C. Komson; Israel Blum; Christopher K. Hu; Bartholomew Verdirame; Dickerson M. Downing; Maria C.H. Lin; Joseph A. DeGirolamo; Michael P. Dougherty; Seth J. Atlas; Andrew M. Riddles; Bruce D. DeRenzi; Mark J. Abate; John T. Gallagher; Steven F. Meyer; Kenneth H. Sonnenfeld; Michael S. Marcus; John E. Hoel; David H.T. Kane; Siegrun D. Kane; Tony V. Pezzano; Walter G. Hanchuk; Andrea L. Wayda; John Osborne; Robert K. Goethals; Peter N. Fill; Kenneth W. Weitzman; Kathleen E. McCarthy; Richard Straussman; Stephen J. Manetta; Dorothy R. Auth and Michael O. Cummings
CORRESPONDENCE SECTION	
NAME	Maren C. Perry

FIRM NAME	Morgan & Finnegan, LLP
STREET	345 Park Avenue
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10154
COUNTRY	United States
PHONE	(212) 758-4800
FAX	(212) 751-6849
EMAIL	ptotmcommunications@morganfinnegan.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Wed Jul 21 18:48:09 EDT 2004
TEAS STAMP	USPTO/BAS-2061381673-2004 0721184809328637-78454470 -2002ba76e83aa7db3fa6ab5a 4a622206f7a-DA-507-200407 21184631977372

1572-1, 1572-2 (Rev. 5-2003)
 (M) 21-1, 21-2 (Rev. 11-2003) (E) 21-1, 21-2

Trademark/Service Mark Application, Principal Register

Serial Number: 78454470

Filing Date: 07/21/2004

To the Commissioner for Trademarks:

MARK: JOBDIVA (stylized and/or with design, see mark)

The literal element of the mark consists of JOBDIVA.

The applicant, JobDiva Inc., a corporation of Delaware, residing at 14th Floor, 116 John Street, New York, NY, United States, 10038, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5,

1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 035: Personnel placement and recruitment services.

International Class 042: Computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network.

In International Class 035, the mark was first used at least as early as 05/31/2003, and first used in commerce at least as early as 05/31/2003, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) a scanned printout from Applicant's website offering services.

Specimen - 1

In International Class 042, the mark was first used at least as early as 05/31/2003, and first used in commerce at least as early as 05/31/2003, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) a scanned printout from Applicant's website offering services.

Specimen - 1

The applicant hereby appoints Maren C. Perry and David H. Pfeffer; Harry C. Marcus; Stephen R. Smith; Kurt E. Richter; J. Robert Dailey; Eugene Moroz; John F. Sweeney; Arnold I. Rady; Christopher A. Hughes; William S. Feiler; Janet Dore; Joseph A. Calvaruso; James W. Gould; Richard C. Komson; Israel Blum; Christopher K. Hu; Bartholomew Verdirame; Dickerson M. Downing; Maria C.H. Lin; Joseph A. DeGirolamo; Michael P. Dougherty; Seth J. Atlas; Andrew M. Riddles; Bruce D. DeRenzi; Mark J. Abate; John T. Gallagher; Steven F. Meyer; Kenneth H. Sonnenfeld; Michael S. Marcus; John E. Hoel; David H.T. Kane; Siegrun D. Kane; Tony V. Pezzano; Walter G. Hanchuk; Andrea L. Wayda; John Osborne; Robert K. Goethals; Peter N. Fill; Kenneth W. Weitzman; Kathleen E. McCarthy; Richard Straussman; Stephen J. Manetta; Dorothy R. Auth and Michael O. Cummings of Morgan & Finnegan, LLP, 345 Park Avenue, New York, NY, United States, 10154 to submit this application on behalf of the applicant. The attorney docket/reference number is 4404-4007.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: ptotmcommunications@morganfinnegan.com.

A fee payment in the amount of \$670 will be submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Signature: Signature

Mailing Address:

Maren C. Perry
345 Park Avenue
New York, NY 10154

RAM Sale Number: 507

RAM Accounting Date: 07/22/2004

Serial Number: 78454470

Internet Transmission Date: Wed Jul 21 18:48:09 EDT 2004

TEAS Stamp: USPTO/BAS-2061381673-2004072118480932863

7-78454470-2002ba76e83aa7db3fa6ab5a4a622

206f7a-DA-507-20040721184631977372





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Jobdiva is a search engine that finds the right people for the right jobs. It's the only place to find the right people for the right jobs.

Trademark/Service Mark Application, Principal Register

Page 3 of 3

APPLICANT NAME: JobDiva Inc.

MARK: JOBDIVA (stylized and/or with design)

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: Date: July 21, 2004Signatory's Name: T. V. ObeidSignatory's Position: Chief Executive Officer

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SEARCH

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

Skills

EXHIBIT F

A0099

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,013,235

Registered Nov. 8, 2005

**SERVICE MARK
PRINCIPAL REGISTER**



**JOBDIVA INC. (DELAWARE CORPORATION)
14TH FLOOR
116 JOHN STREET
NEW YORK, NY 10038**

**FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT SERVICES; COMPUTER SERVICES,
NAMELY, PROVIDING DATABASES FEATURING
RECRUITMENT AND EMPLOYMENT, EMPLOY-
MENT ADVERTISING, CAREER INFORMATION
AND RESOURCES, RESUME CREATION, RESUME
TRANSMITTALS AND COMMUNICATION OF RE-**

**SPONSORS THERETO VIA A GLOBAL COMPUTER
NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).**

FIRST USE 5-31-2003; IN COMMERCE 5-31-2003.

OWNER OF U.S. REG. NO. 2,851,917.

SER. NO. 78-454,470, FILED 7-21-2004.

MARCIE MILONE, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing ANSWER AND COUNTERCLAIM was served on the Petitioner addressed to Petitioner's attorney at his address of record by First Class Mail:

James H. Donolan, Esq.
Greenberg Traurig, LLP
200 Park Avenue
New York, NY 10166

this 16th day of June 2009.

By: Shelley Marlowe
Shelley Marlowe

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA568031**Filing date: **10/30/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050828
Party	Plaintiff JobDiva, Inc.
Correspondence Address	Daniel I. Schloss Greenberg Traurig, LLP 200 Park Avenue, 34th Floor New York, NY 10166 UNITED STATES schlossd@gtlaw.com, navarro@gtlaw.com, nytmdkt@gtlaw.com, biancoc@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel J. Navarro
Filer's e-mail	navarro@gtlaw.com, schlossd@gtlaw.com, biancoc@gtlaw.com, nytmdkt@gtlaw.com
Signature	/Daniel J. Navarro/
Date	10/30/2013
Attachments	JobDiva-TM Notice of Reliance (TM Registrations).pdf(121048 bytes)

<u>Mark</u>	<u>Registration Number</u>	<u>Date of Registration</u>	<u>Filing Date</u>	<u>Goods/Services</u>
				career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network

Status and title copies of the above-referenced registrations are attached as Exhibit A.

Dated: October 30, 2013

By: /Daniel I. Schloss
 Daniel I. Schloss
 Alan N. Sutin
 Daniel J. Navarro
 GREENBERG TRAURIG, LLP
 200 Park Avenue
 New York, New York 10166
 Tel: (212) 801-9200
 Fax: (212) 801-6400

Attorneys for Petitioner JobDiva, Inc.

CERTIFICATE OF SERVICE

Date: October 30, 2013

The undersigned hereby certifies that a true and correct copy of the foregoing Petitioner's Notice of Reliance on Trademark Registrations has been served by first class mail, postage prepaid, this 30th day of October 2013 upon Respondent at the following correspondence address of its counsel of record:

Martin R. Greenstein, Esq.
TechMark a Law Corporation
4820 Harwood Road, 2nd Floor
San Jose, CA 95124

/Daniel J. Navarro/
Daniel J. Navarro

EXHIBIT A

Generated on: This page was generated by TSDR on 2013-10-04 15:21:43 EDT

Mark: JOBDIVA

US Serial Number: 78151468 Application Filing Date: Aug. 06, 2002
 US Registration Number: 2851917 Registration Date: Jun. 08, 2004
 Register: Principal
 Mark Type: Service Mark
 Status: A Section 8 declaration has been accepted.
 Status Date: Jun. 10, 2010
 Publication Date: Mar. 18, 2003 Notice of Allowance Date: Jun. 10, 2003

Mark Information

Mark Literal Elements: JOBDIVA
 Standard Character Claim: No
 Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Personnel placement and recruitment
 International Class(es): 035 - Primary Class U.S. Class(es): 100, 101, 102
 Class Status: ACTIVE
 Basis: 1(a)
 First Use: May 2003 Use in Commerce: May 2003

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JOBDIVA INC
 Owner Address: 116 JOHN STREET
 14TH FLOOR
 NEW YORK, NEW YORK 10038
 UNITED STATES
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Janet Shih Hajek Attorney of Record
 Docket Number: 063332.01020

Attorney Primary Email Address: dcipmail@gtlaw.com

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Janel Shih Hajek
GREENBERG TRAURIG, LLP
2101 L STREET, N.W., SUITE 1000
WASHINGTON, DISTRICT OF COLUMBIA 20037
UNITED STATES

Phone: (202) 331-3158

Fax: (202) 261-4786

Correspondent e-mail: dcipmail@gtlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 21, 2010	COUNTERCLAIM CANC. NO. 999999	50828
Jun. 10, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED	71378
Jun. 09, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Jun. 07, 2010	TEAS SECTION 8 RECEIVED	
Apr. 20, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 08, 2004	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 01, 2004	ASSIGNED TO EXAMINER	73289
Mar. 31, 2004	CASE FILE IN TICRS	
Mar. 29, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 18, 2004	USE AMENDMENT FILED	
Mar. 18, 2004	PAPER RECEIVED	
Feb. 19, 2004	EXTENSION 1 GRANTED	
Nov. 28, 2003	EXTENSION 1 FILED	
Jan. 12, 2004	FAX RECEIVED	
Nov. 28, 2003	PAPER RECEIVED	
Jun. 10, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 18, 2003	PUBLISHED FOR OPPOSITION	
Feb. 26, 2003	NOTICE OF PUBLICATION	
Jan. 25, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 10, 2003	ASSIGNED TO EXAMINER	73289

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Jun. 10, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Algomod Technologies Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2968/0562

Pages: 2

Generated on: This page was generated by TSDR on 2013-10-04 15:22:46 EDT

Mark: JOBDIVA



US Serial Number: 78454470 Application Filing Date: Jul. 21, 2004
 US Registration Number: 3013235 Registration Date: Nov. 08, 2005
 Register: Principal
 Mark Type: Service Mark
 Status: A Section 8 declaration has been accepted.
 Status Date: Nov. 30, 2011
 Publication Date: Aug. 16, 2005

Mark Information

Mark Literal Elements: JOBDIVA
 Standard Character Claim: No
 Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
 Design Search Code(s): 01.01.03 - Star - a single star with five points
 20.03.09 - Paper, note; Tablets, paper, Pads, Writing; Paper, stacks of sheets

Related Properties Information

Claimed Ownership of US 2851917
 Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks * identify additional (new) wording in the goods/services.

For: Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 2003

Use in Commerce: May 31, 2003

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JobDiva Inc.
 Owner Address: 44 Wall Street
 New York, NEW YORK 10021
 UNITED STATES
 Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel I. Schloss
Attorney Primary Email Address: schlossd@qtlaw.com

Docket Number: 063332.01020
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Daniel I. Schloss
 GREENBERG TRAURIG, LLP
 200 Park Avenue, 34th Floor
 New York, NEW YORK 10166
 UNITED STATES

Phone: 212-801-9200

Fax: 212-801-6400

Correspondent e-mail: schlossd@qtlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 30, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Nov. 30, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED	68502
Nov. 30, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Nov. 07, 2011	TEAS SECTION 8 RECEIVED	
Jul. 21, 2010	COUNTERCLAIM CANC. NO. 999999	50828
Apr. 20, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 08, 2005	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2005	PUBLISHED FOR OPPOSITION	
Jul. 27, 2005	NOTICE OF PUBLICATION	
Apr. 25, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Apr. 22, 2005	ASSIGNED TO LIE	78145
Apr. 18, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 07, 2005	AMENDMENT FROM APPLICANT ENTERED	73793
Apr. 04, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	73793
Apr. 04, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 09, 2005	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Mar. 09, 2005	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	78373
Feb. 23, 2005	ASSIGNED TO EXAMINER	78373
Jul. 30, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 116

Date in Location: Nov. 30, 2011

Proceedings**Summary**

Number of Proceedings: 2

Type of Proceeding: Cancellation

Proceeding Number: 92050828

Filing Date: Apr 17, 2009

Status: Pending

Status Date: Apr 17, 2009

Interlocutory Attorney: WENDY COHEN

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA568064**Filing date: **10/30/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050828
Party	Plaintiff JobDiva, Inc.
Correspondence Address	Daniel I. Schloss Greenberg Traurig, LLP 200 Park Avenue, 34th Floor New York, NY 10166 UNITED STATES schlossd@gtlaw.com, navarro@gtlaw.com, nytmdkt@gtlaw.com, biancoc@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel J. Navarro
Filer's e-mail	navarro@gtlaw.com, schlossd@gtlaw.com, biancoc@gtlaw.com, nytmdkt@gtlaw.com
Signature	/Daniel J. Navarro/
Date	10/30/2013
Attachments	JobDiva- NOR Printed Publications (Small File Size) v.pdf(5328504 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JOBDIVA, INC.)	Cancellation No. 92/050,828
)	Mark: JOBVITE
)	Registration No. 3,103,253
Petitioner/Counterclaim)	
Defendant,)	
)	
v.)	
)	
JOBVITE, INC.)	
)	
Respondent/Counterclaim)	
Plaintiff,)	
)	

PETITIONER'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

Pursuant to 37 C.F.R. § 2.122(e), Petitioner JobDiva, Inc. ("Petitioner" or "JobDiva") hereby gives notice that it will or may rely on the Printed Publications, in the nature of the Internet materials listed below, which were accessed and printed from publicly available websites. The index below identifies the title and relevance of each printed publication. The publicly available website materials identify the date on which the document was accessed and printed, as well the applicable URL identifying the online source of the document.

1. Dictionary definition of the term "vite" from the online dictionary, dictionary.com, as evidence of the similarity of the marks at issue as to connotation and commercial impression attached hereto as Exhibit A.

2. Dictionary definition of the term “vite” from Merram-Webster’s online dictionary as evidence of the similarity of the marks at issue as to connotation and commercial impression attached hereto as Exhibit B.

3. French to English translation of the word “vite” from Collins Dictionary as evidence of the similarity of the marks at issue as to connotation and commercial impression attached hereto as Exhibit C.

4. Translation of the word “vite” from Google Translate’s online French to English dictionary as evidence of the similarity of the marks at issue as to connotation and commercial impression attached hereto as Exhibit D.

5. Printouts from JobDiva’s website to show examples of the nature of Petitioner’s use of Petitioner’s trademarks in commerce attached hereto as Exhibit E.

6. Printouts from JobVite’s website to show examples of the nature of Respondent’s use of Respondent’s trademarks in commerce, as well as, the goods and services offered under Respondent’s trademarks attached hereto as Exhibit F.

7. Printout from Tucows.com Co.’s website showing the WHOIS registration information for the domain name www.jobvite.com, including that Respondent registered the domain name www.jobvite.com on August 30, 2005, as evidence of the date Respondent first offered Respondent’s services on a website located at the domain name www.jobvite.com attached hereto as Exhibit G.

8. Printout from the Wayback Machine’s Internet Archive depicting a third party’s French-language website offering employment related services at the domain name www.jobvite.com in October 2003 as evidence that the phrase “jobvite” may be understood by individuals in the United States who speak French to mean “job fast” or “job quick” attached hereto as Exhibit H.

Dated: October 30, 2013

By: /Daniel I. Schloss/
Daniel I. Schloss
Alan N. Sutin
Daniel J. Navarro
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400
Attorneys for Petitioner JobDiva, Inc.

CERTIFICATE OF SERVICE

Date: October 30, 2013

The undersigned hereby certifies that a true and correct copy of the foregoing Petitioner's Notice of Reliance on Printed Publications has been served by first class mail, postage prepaid, this 30th day of October 2013 upon Respondent at the following correspondence address of its counsel of record:

Martin R. Greenstein, Esq.
TechMark a Law Corporation
4820 Harwood Road, 2nd Floor
San Jose, CA 95124

/Daniel J. Navarro/
Daniel J. Navarro

EXHIBIT E

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JobDiva® has the number one resume search engine & hosts the largest database of resumes on the market.

JobDiva®'s patented technology holds the largest number of claims by any staffing solution provider.



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JobDiva® has users around the globe servicing the above markets.

JobDiva® is the largest, ultimate, full service solution for the staffing industry with an extensive suite of products & tools, front to back end, covering all staffing needs.

JobDiva® is a web based, SaaS (software as a service), ATS, CRM & financial model that integrates with all email applications with special add-ins to Microsoft Outlook®.

JobDiva® has the number one resume search engine & hosts the largest database of resumes on the market.

JobDiva®'s patented technology holds the largest number of claims by any staffing solution provider.



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TESTIMONIALS



JobDiva - An Advantage in a Challenging Economy

Watch Jen Daily of Texo Solutions
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JobDiva Let's Us Compete Nationwide

Watch Peter Daily of Texo Solutions
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Keeping up with Demand

Watch Bob Lockwood of IT Staffing, Inc.
www.itstaffinc.com
[Read Transcript](#)



A Changing Industry

Watch Bob Collins, CEO of Collins Consulting, Inc.
www.colcon.com
[Read Transcript](#)



Competitive Advantage

Watch Gene Holtzman, CEO of Mitchell/Martin, Inc.
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Sustenance of Data Integrity

Watch James Fabiano, CEO of Premiere Resource Group
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Recruiters to be Recruiters

Watch Karen Jackson, President of Celerity Technology Services
www.celerityts.com
[Read Transcript](#)



Using JobDiva in Our Sales Process

Watch Mike Zimari, CEO of Global CI, Inc.
www.globalci.com
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Beyond CRM

Watch Charles Ruggiero, Founder and CEO of Foundation Technology Services
www.fts-us.com
[Read Transcript](#)



Servicing VMS

Watch Todd White, Recruiting Manager at Ewings Associates (December, 2008)
www.ewingsassociates.com
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Unmatched Customer Service and Support

Don't take our word for it, watch what our clients have to say about JobDiva's service and Support.
[Read Transcript](#)



Confidence to Succeed

Watch Lori Selbert, Senior Account Executive at Celerity Technology Services
www.celerityts.com
[Read Transcript](#)



Collaboration

Watch Matt Walden, VP/Owner of Infinity Consulting Solutions
www.infinity-cs.com
[Read Transcript](#)



The JobDiva Advantage

Watch Cindy Collins, Vice President of Collins Consulting, Inc.
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Ease of Conversion

Watch Joseph McCloud, Director of Operations at Collins Consulting, Inc.
www.colcon.com
[Read Transcript](#)



[On Target Results](#)

The Right Tool

Watch Ernie Marshall of IT Staffing, Inc.
www.itstaffinc.com
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[The Best Tool](#)



Watch Monika Daily, Recruiting Manager at Foundation Technology Services

www.fts-us.com

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Implementation of JobDiva

Watch Al Eden, Vice President - IT of Collins Consulting, Inc.

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Watch Julie Jensen, Recruiter at Infinity Consulting Solutions

www.infinity-cs.com

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Managing Accounts with JobDiva

Watch Josh Ziman, Account Manager of Global CI, Inc.

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More Opportunities

Watch Matt Pfenning, Regional Director of Infinity Consulting Solutions

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Market Intelligence

Watch Matt Franklin, Vice President of Mitchell/Martin, Inc.

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[Read Transcript](#)



A Recruiters Advantage

Watch Kim Hersch, Recruiter at Mitchell/Martin, Inc.

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Searching by Years of Experience

Watch Colleen Stone, Managing Recruiter of Global CI, Inc.

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Better use of a Recruiters Time

Watch Rick Blando, Recruiter for Collins Consulting, Inc.

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Virtual Offices

Watch Frank Tantalito of IT Staffing, Inc.

www.itstaffinc.com

[Read Transcript](#)



Superior Searching Capabilities

Watch Nadine Gabriel Perez, Recruiter at Mitchell/Martin, Inc.

www.itmimi.com

[Read Transcript](#)



JobDiva, Your Second Brain

Watch Jeanette Miller, Business Development Manager of Global CI, Inc.

www.globalci.com

[Read Transcript](#)

LOGIN

PRODUCT

LIST OF CAPABILITIES

PRODUCT/SOLUTION

SEIZE VMS OPPORTUNITY

SECURE TOP TALENT

HARVESTER

BUILD RELATIONSHIPS

DRIVE PROFITABILITY

JOBDIVA REPORTS

SUPPORT SERVICES

DIVAMOBILE

JOBDIVA STAFFING AND RECRUITING SOFTWARE CAPABILITIES

JobDiva's recruitment solutions have several benefits that will streamline your employment process. Whether you want to synchronize your Outlook with emails and calendars, or you want to manage your employees' schedules from one place, all that is possible with the staffing solutions from JobDiva.

Here you will find a list of the capabilities of our staffing software. Under each category of recruiting solutions are details of that capability and a presentation link. You are one click away from learning about new job requisitions or resume harvesting, all part of the recruitment solutions provided by JobDiva. Learn about the job dashboard or candidate searches by scrolling through the staffing software's capabilities. You will find JobDiva offers you the powerful staffing solutions you need to succeed.

JobDiva Introduction

Searching for Qualified Candidates

New Job Requisitions

Email

Calendar

Outlook Synchronization

Contact Relationship Management

Flexible/Per Diem Staffing

Email Merge

Audit Trail

VMS Synchronization

Resume Harvesting

SAAS Model

Jobs Dashboard

Supplier Portal

Configurability

Hot Lists

Reports & Metrics

User Defined Fields

Templates

Privacy & Permissions

CalcuDiva

Help & Best Practices

Candidate Portal

Candidate Information Management

EEO

Diva Financials

Large Company Management

Diva VMS

New Releases

Training

Security

JOBDIVA INTRODUCTION

- JobDiva is an end-to-end talent management system
- JobDiva is delivered as a service
- JobDiva boosts an organization's capacity to service client needs Top



SEARCHING FOR QUALIFIED CANDIDATES

- Search Resumes Utilizing Boolean Logic Qualified by Years of Experience
- Refine Candidate Lists by Geography, Pay Range, Education and Other
- Exclude Criteria to Narrow Search Further
- Search resumes for the synonyms and the implications of the required Skills
- Utilize Qualifying Parameters that Leverage Pre-Screened Candidates
- Perform Text Searches on Privately Defined Attributes of Candidates
- Browse Skilled Candidate Pool and Availability Irrespective of the Existence of an Opening



- Manage Workers Schedules and Assignments from Calendar
- Record and Store Licenses & Certifications on a Candidate's Page
- Set Alerts and Generate Reports for Expiring Licenses & Certifications
- Quickly Create of Submittal Packages, Bundling Resumes with Other Relevant Documents
- Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars
- Allow Candidates to Check Their Calendars and Set Unavailability [Top](#)

EMAIL MERGE

- Target People with the Right Experience
- Save Time with Customizable Email Templates
- Deliver Rich Text Emails
- Automatically Generate Records of Merges [Top](#)



AUDIT TRAIL

- View All Your Activities
- View All Your Moves on the System
- Look at Recently Viewed Candidates, Companies and Contacts
- View Submittal Metrics
- Review Self-Maintaining Jobs Dashboard
- Utilize Notes to Self-Monitor Recruiting Process
- Draw on JobDiva's Best Practices Guide for Detailed Information on Meeting OFCCP and EEO Requirements [Top](#)



VMS SYNCHRONIZATION

- Automatically Sync Your Database of Jobs with All Vendor Management Systems
- Watch New VMS Jobs Open in Real Time in JobDiva
- Watch Existing VMS Jobs Update in Real Time in JobDiva
- Opt to Receive Email Notifications Whenever a Job Opens, Closes or Updates
- Automatically Cleanse Sensitive Data [Top](#)



RESUME HARVESTING

- Intelligently Automatically Create an Extensive Database of Candidates
- Use Job Board IDs in the Most Effective Manner
- Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week [Top](#)



SAAS MODEL

- Free Yourself from Software and Hardware Maintenance
- Access JobDiva from Anywhere
- Inoculate Your Company from 'Versionitis'
- Stay Up to Date [Top](#)



JOBS DASHBOARD

- 'Drive' Your Day with a Dashboard View of Your Jobs
- Take in All Open Jobs at a Glance
- Travel Directly to Priority Items
- View Dashboards at Individual, Division, or Group Level [Top](#)



SUPPLIER PORTAL

- Define Suppliers
- Distribute Job Requirements
- Receive and Review Candidates
- Communicate Easily with Suppliers [Top](#)



CONFIGURABILITY

- Tune JobDiva to Your Liking
- Assign Permissions
- Choose Your Alerts
- Define System Attributes [Top](#)



HOT LISTS

- Create Dynamic Collections of Qualified Candidates
- Create Files of Candidates
- Share Hotlists among Users
- Email Merge Candidates on Hotlists [Top](#)



REPORTS & METRICS

- Utilize Extensive Body of Database Reports
- Utilize Extensive Body of Activity Data Reports
- Gain from Automated Data Collection
- Run Reports Using Multiple Filters
- Export Reports to Microsoft Excel®
- See Your Activity-Trail Down to the Minute
- Keep Rich, Detailed Records of Submittal Metrics [Top](#)

USER DEFINED FIELDS

- Define Fields at the Contact or Company Level to Enrich Your CRM
- Define Fields for Candidate Records
- Define Fields for Jobs
- Define Fields for Starts
- Choose from a Variety of Field Types
- Mask Data for Privacy [Top](#)



TEMPLATES

- Pre-Format Email Templates for Merges and Activities
- Keep Candidate Attributes in Data Sheet Templates
- Save Candidate References Q&A in Templates [Top](#)



PRIVACY & PERMISSIONS

- Control Access to View and Edit
- Assign User Permissions
- Own Your Activities [Top](#)



CALCUDIVA

- Maximize Each Deal's Profit
- Easily Calculate Margins
- Utilize Targeted Margins to Strike the Best Deal
- Negotiate the Best Bill Rate and the Best Pay Rate
- Account for Various Employment Relationships
- Factor in Corporate Discounts Automatically or Manually
- Account for Other Overheads and Expenses [Top](#)



HELP & BEST PRACTICES

- Use Content Rich JobDiva Help Section
- Leverage Content Rich Best Practices Guide
- Easily Refer to the What's and the How's of Functions
- Leverage the Why's for Optimal Performance
- Search by Phrase or Topic of Interest
- Read Priority Topics for Essential Guide [Top](#)



CANDIDATE PORTAL

- Let Candidates Peruse Jobs and Apply Easily
- Give Candidates the Tools to Create and Update Resumes
- Give Candidates Ability to Manage Their Own Calendar
- Allow Candidates to Upload Documents [Top](#)



CANDIDATE INFORMATION MANAGEMENT

- Save Time with Automatic Resume Parsing and File Creation
- Manage Candidate Relationships
- Manage Candidate's Calendar and Availability
- Let JobDiva Guide Recruiters through Reference Gathering
- Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More
- Flip Easily Through Virtual Stacks of Resumes
- Access Live & Saved Candidate Emails [Top](#)



EEO

- Let JobDiva collect EEO Data from Applicants
- Utilize Automatically Stored Data for Reporting and Auditing Purposes
- Comply to OFCCP Guidelines With Existing JobDiva Capabilities
- Draw on JobDiva's Best Practices Guide [Top](#)



DIVA FINANCIALS

- Integrate Front Office and Back Office Financial Processes
- Bill and Pay



- Import Timesheets Electronically
- View an Array of Financial Reporting
- Generate Commission Reports [Top](#)

LARGE COMPANY MANAGEMENT

- Manage Multiple Divisions
- Track Metrics by Division
- Service Various Verticals and Staffing Types
- Become an MSP [Top](#)



DIVA VMS

- Offer Clients Your Diva VMS
- Become an MSP
- Manage Third Party Suppliers [Top](#)



NEW RELEASES

- Be Part of the Future
- Leverage Content Rich Best Practices Guide
- Benefit from JobDiva's Rigorous Development Strategy
- Filter out the Fluff, the Fads and the Distractions
- Free Yourself from 'Versionitis'
- Don't Pay for Upgrades or Fixes [Top](#)



TRAINING

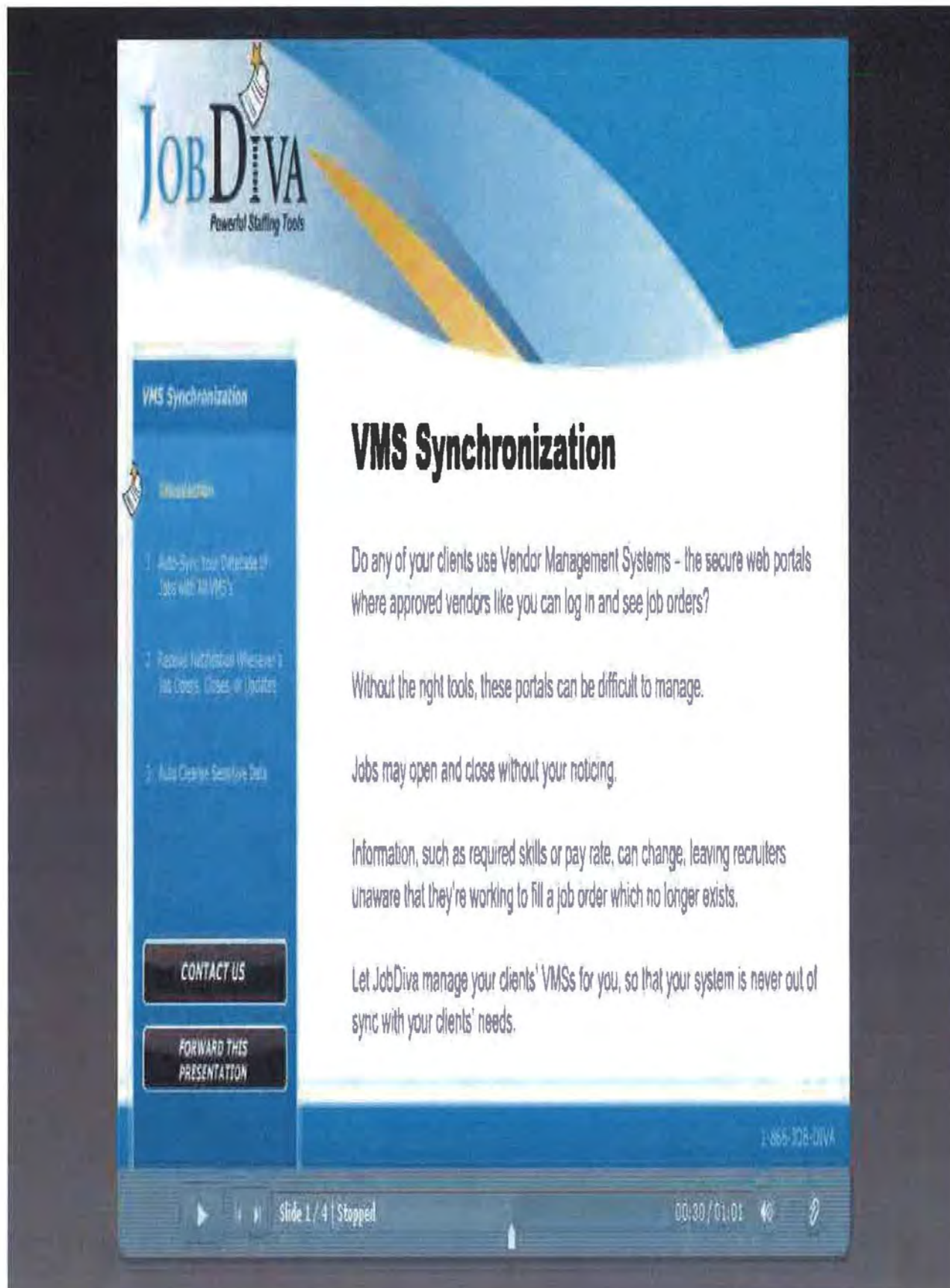
- Easily Learn an Ergonomically Mature System
- Receive Onsite Training From Knowledgeable Staff
- Pay Nothing for Ongoing Training [Top](#)



SECURITY

- Store Your Data Safely Manage Multiple Divisions
- Control Access to SystemTrack Metrics by Division
- Let JobDiva Manage Disaster Recovery Plans
- Receive Security Assessments [Top](#)





The image shows a presentation slide for JobDiva's VMS Synchronization service. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. The main content area is white with a blue sidebar on the left. The sidebar contains the title 'VMS Synchronization' and a list of three bullet points: '1. Auto-Sync Your Database w/ Jobs with All VMS's', '2. Receive Notification Whenever a Job Opens, Closes, or Updates', and '3. Auto Cleanup Stale Job Data'. Below the sidebar are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The main content area has a large title 'VMS Synchronization' followed by three paragraphs of text. The first paragraph asks if clients use Vendor Management Systems and where approved vendors can log in. The second paragraph states that without the right tools, these portals can be difficult to manage. The third paragraph states that jobs may open and close without your noticing. The fourth paragraph states that information like required skills or pay rate can change, leaving recruiters unaware. The fifth paragraph states that JobDiva can manage your clients' VMSs for you. At the bottom of the slide, there is a footer with the phone number '1-888-JOB-DIVA' and a video player control bar showing 'Slide 1 / 4 | Stopped' and a timer '00:30 / 01:01'.

JobDiva
Powerful Staffing Tools

VMS Synchronization

Do any of your clients use Vendor Management Systems – the secure web portals where approved vendors like you can log in and see job orders?

Without the right tools, these portals can be difficult to manage.

Jobs may open and close without your noticing.

Information, such as required skills or pay rate, can change, leaving recruiters unaware that they're working to fill a job order which no longer exists.

Let JobDiva manage your clients' VMSs for you, so that your system is never out of sync with your clients' needs.

CONTACT US

FORWARD THIS PRESENTATION

1-888-JOB-DIVA

Slide 1 / 4 | Stopped 00:30 / 01:01

The screenshot shows a presentation slide for JobDiva's VMS Synchronization feature. The slide has a blue header with the JobDiva logo and a yellow and blue abstract background. The main content area is white with a blue sidebar on the left. The sidebar contains the text 'VMS Synchronization' and a list of three points: '1. Auto-Sync Your Database of Jobs with All VMS's', '2. Receive Notification Whenever a Job Opens, Closes or Updates', and '3. Auto Cleanse Sensitive Data'. Below the sidebar are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The main content area has the title 'VMS Synchronization' and a list of three points, each preceded by a star icon. The first point is '1. Automatically Sync Your Database of Jobs with All Vendor Management Systems', followed by three sub-points: '• Watch New VMS Jobs Open in Real Time in JobDiva', '• Watch Existing VMS Jobs Close or Change Status in Real Time in JobDiva', and '• Watch VMS Jobs Update in Real Time in JobDiva'. The second point is '2. Opt to Receive Email Notifications Whenever a Job Opens, Closes or Updates'. The third point is '3. Automatically Cleanse Sensitive Data'. At the bottom of the slide is a blue footer with the text '1-866-738-0014'. Below the slide is a video player interface with a play button, a progress bar, and the text 'Slide 1 / 4 | Stopped' and '00:58 / 01:01'.

JobDiva
Powerful Staffing Tools

VMS Synchronization

1. Auto-Sync Your Database of Jobs with All VMS's
2. Receive Notification Whenever a Job Opens, Closes or Updates
3. Auto Cleanse Sensitive Data

CONTACT US

FORWARD THIS PRESENTATION

1-866-738-0014

Slide 1 / 4 | Stopped 00:58 / 01:01

The screenshot shows a presentation slide for JobDiva's Resume Harvesting tool. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. The main content area is white with a large title 'Resume Harvesting' and a subtitle 'Don't work for your data. Your data should be working for you.' Below the subtitle is a paragraph: 'Let JobDiva's harvesters run silently in the background to create a rich database of candidates for your company to draw upon.' On the left side, there is a blue sidebar with a list of five steps: 1. Spend Less Time Searching, 2. Let JobDiva Harvest Your Resumes Based on Your Criteria, 3. Sleep Well Knowing That JobDiva Harvesters Are Always Working, 4. Use Job Board Time in the Most Effective Manner, 5. Intelligently, Automatically, Create an Extensive Database of Candidates. At the bottom of the sidebar are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The bottom of the slide features a blue footer with the phone number '1-866-JOB-DIVA' and a video player control bar showing 'Slide 1 / 6 | Stopped' and a timer '00:11 / 00:38'.

JobDiva
Powerful Staffing Tools

Resume Harvesting

Don't work for your data. Your data should be working for you.

Let JobDiva's harvesters run silently in the background to create a rich database of candidates for your company to draw upon.

1. Spend Less Time Searching
2. Let JobDiva Harvest Your Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
4. Use Job Board Time in the Most Effective Manner
5. Intelligently, Automatically, Create an Extensive Database of Candidates

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 1 / 6 | Stopped 00:11 / 00:38



The screenshot shows a video player interface. The main content area displays a presentation slide for JobDiva. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. Below the header, the title 'Resume Harvesting' is prominently displayed. To the left of the title is a vertical sidebar with a list of five points, each preceded by a star icon. To the right of the title is a larger list of the same five points, also preceded by star icons. At the bottom of the slide, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The video player controls at the bottom show 'Slide 1 / 6 | Stopped' and a progress bar indicating '00:34 / 00:38'.

JobDiva
Powerful Staffing Tools

Resume Harvesting

- 1. Shrink Sourcing Workflow Down to a Click
- 2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- 3. Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week
- 4. Use Job Board IDs in the Most Effective Manner
- 5. Intelligently, Automatically Create an Extensive Database of Candidates

Resume Harvesting

- 1. Shrink Sourcing Workflow Down to a Click
- 2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- 3. Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week
- 4. Use Job Board IDs in the Most Effective Manner
- 5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 1 / 6 | Stopped 00:34 / 00:38



The image shows a presentation slide for JobDiva's SAAS Model. The slide has a blue header with the JobDiva logo and a rainbow graphic. The main content area is white with a blue sidebar on the left. The sidebar contains a list of four points: 1. Recruit System Performance, 2. Access JobDiva From Anywhere, 3. Trackable Your Company from Marketing, and 4. Stay Up to Date. Below the list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The main content area has a large title 'SAAS Model' and three paragraphs of text. The bottom of the slide features a blue footer with the phone number '1-866-JOB-DIVA' and a video player interface showing 'Slide 1 / 5 | Stopped' and a timer '00:41 / 00:54'.

JobDiva
Powerful Staffing Tools

SAAS Model

JobDiva is delivered to your company over the Internet as a service.

You will have more functionality at less operating expenses: no installation fees or software purchases - all you need is an Internet connection to benefit from the most advanced and thorough functionality in the staffing industry.

In JobDiva, your data is private, yet by using JobDiva, you are leveraging decades of experience and shared interests.

While the SaaS Model has helped JobDiva develop extensive functionality available to all clients, configurability leaves your personal imprint on every aspect of your JobDiva system.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 1 / 5 | Stopped 00:41 / 00:54



The image shows a presentation slide for the JobDiva Candidate Portal. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. The main content area is white with a large title 'Candidate Portal'. To the left of the main text is a blue sidebar with a list of features and two buttons. The bottom of the slide features a blue footer with a phone number and a presentation control bar.

JobDiva
Powerful Staffing Tools

Candidate Portal

At no additional cost, JobDiva will host a candidate portal on your website.

This portal pushes your open jobs out to the world, giving you effectively free advertising, while simultaneously drawing fresh candidates into your database.

It also empowers candidates to manage their own process.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 1 / 5 | Stopped 00:20 / 00:35

JobDiva
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Candidate Portal

Candidate Portal

1. Let Candidates Peruse Jobs and Apply Easily

2. Give Candidates the Tools to Create and Update Resumes

3. Give Candidates Ability to Manage Their Own Calendar

4. Allow Candidates to Upload Documents

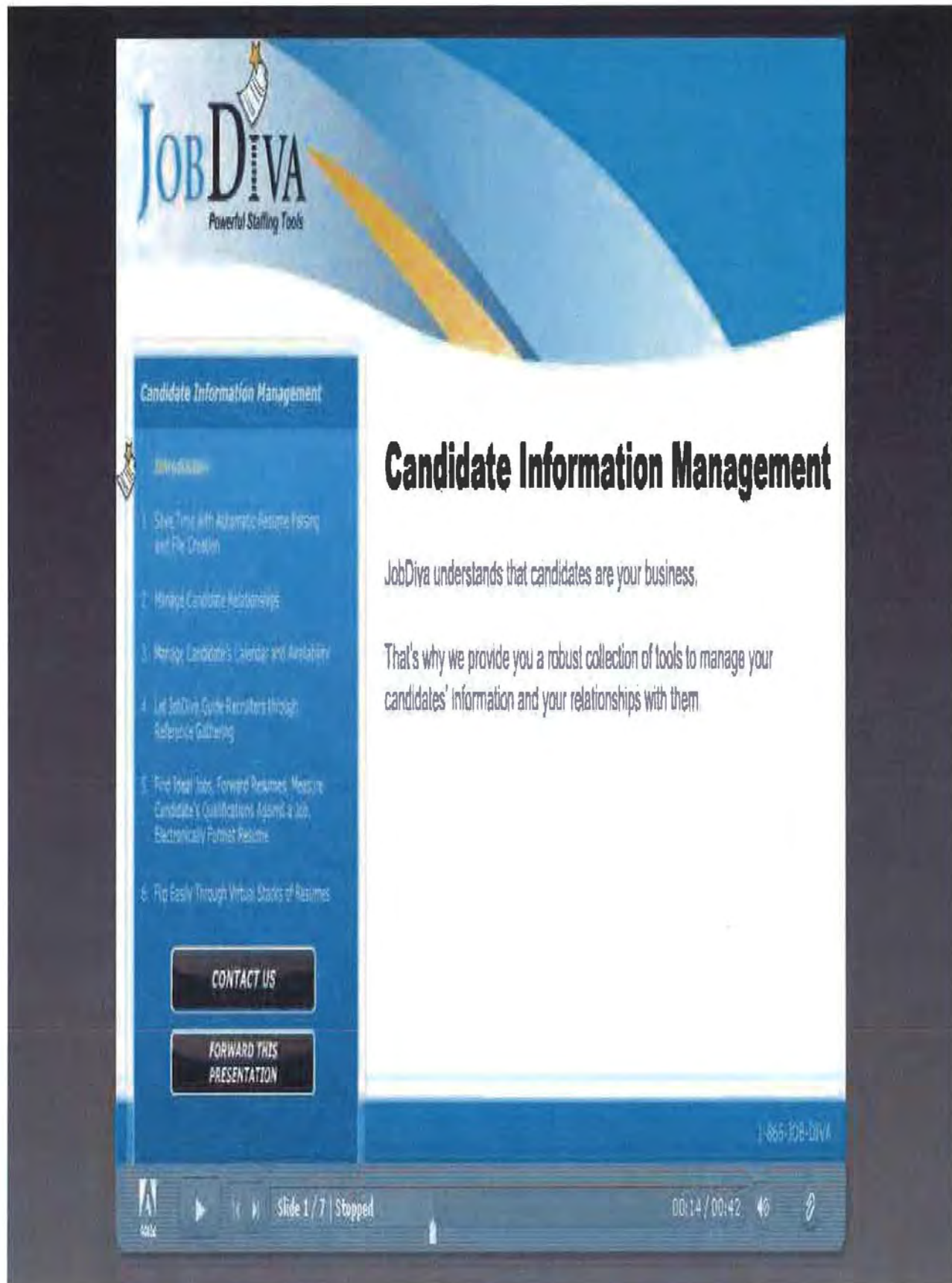
CONTACT US

FORWARD THIS PRESENTATION

1-866-308-0004

Slide 1 / 5 | Stopped

00:36 / 00:36



The image shows a presentation slide for JobDiva's Candidate Information Management system. The slide has a blue header with the JobDiva logo and a yellow and orange swoosh. The main content area is white with a blue sidebar on the left. The sidebar contains a list of features and two buttons. The main content area has a title, a paragraph, and another paragraph. The bottom of the slide has a blue footer with a navigation bar.

JobDiva
Powerful Staffing Tools

Candidate Information Management

Introduction

1. Save Time with Automatic Resume Parsing and File Creation
2. Manage Candidate Relationships
3. Manage Candidate's Calendar and Availability
4. Let JobDiva Guide Recruiters through Reference Gathering
5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications, Assign a Job, Electronically Format Resumes
6. Flip Easily Through Virtual Stacks of Resumes

CONTACT US

FORWARD THIS PRESENTATION

Candidate Information Management

JobDiva understands that candidates are your business.

That's why we provide you a robust collection of tools to manage your candidates' information and your relationships with them.

1-866-JOB-DIVA

Slide 1 / 7 | Stopped 00:14 / 00:42

The screenshot shows a presentation slide for JobDiva's Candidate Information Management system. The slide has a blue header with the JobDiva logo and a call to action. The main content area is divided into two columns: a left sidebar with a list of features and a right main area with a list of features. The bottom of the slide features a navigation bar with a play button, a progress indicator, and a timer.

JobDiva
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Candidate Information Management

Candidate Information Management

- 1. Save Time with Automatic Resume Parsing and File Creation
- 2. Manage Candidate Relationships
- 3. Manage Candidate's Calendar and Availability
- 4. Let JobDiva Guide Recruiters through Reference Gathering
- 5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More
- 6. Flip Easily Through Virtual Stacks of Resumes

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 1 / 7 | Stopped

00:42 / 00:42

A presentation slide for JobDiva's EEO (Equal Employment Opportunity) tools. The slide features a blue header with the JobDiva logo and a blue sidebar on the left containing a list of four steps and two buttons. The main content area has a large 'EEO' title and three paragraphs of text. The bottom of the slide shows a video player interface with a progress bar and controls.

JobDiva
Powerful Staffing Tools

EEO

EEO

Adhering to Equal Employment Opportunity and OFCCP reporting guidelines is as easy as turning on a few options in your company's JobDiva profile.

JobDiva has automated most of the process for you – contacting the candidates, requesting information, uploading and storing the data, as well as sorting it into concise reports.

The system keeps this information unidentifiable except for possible audit purposes.

1-866-JOB-DIVA

Slide 1 / 5 | Stopped 00:28 / 00:48

The screenshot shows a presentation slide for JobDiva's EEO (Equal Employment Opportunity) tools. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. A dark blue box in the header contains the text: 'For more detailed information, please click on the chapters.' The main content area is white with a large 'EEO' title. Below the title is a list of four numbered items, each preceded by a small blue star icon. To the left of the main content is a blue sidebar with a list of the same four items. At the bottom of the sidebar are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The bottom of the slide features a blue footer with the phone number '1-866-338-03VA' and a presentation control bar showing 'Slide 1 / 5 | Stopped' and a timer '00:48 / 00:48'.

JobDiva
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

EEO

- 1. Let JobDiva Collect EEO Data from Applicants
- 2. Utilize Automatically Stored Data for Reporting and Auditing Purposes
- 3. Comply to OFCCP Guidelines With Existing JobDiva Capabilities
- 4. Draw on JobDiva's Best Practices Guide

CONTACT US

FORWARD THIS PRESENTATION

1-866-338-03VA

Slide 1 / 5 | Stopped 00:48 / 00:48

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COMPANY

OVERVIEW

LEADERSHIP TEAM

OVERVIEW

JobDiva is a full-service provider of the end-to-end JobDiva recruitment and applicant tracking platform to large and mid-sized staffing organizations. JobDiva's outlook on the recruiting and staffing industry is as distinctive as the innovative technology that drives its success.

JobDiva's Applicant Tracking was originally developed by Axelon Services, a leader in IT services and consulting. The solution represents more than twenty years of research and development based on Axelon's perspective as an end user servicing the largest companies in telecommunications, banking, insurance, brokerage, pharmaceutical and utility.

The substantial value of the JobDiva platform has been unleashed through a simple deployment process. Also, JobDiva brings a new level of intuitiveness in the user experience. JobDiva's revolutionary capabilities in identifying winning candidates by speedily searching resumes by relevant years of experience required for a job introduces an unprecedented workflow process. JobDiva re-engineered the traditional staffing organization to utilize the latest offerings that today's technological tools provide. Distinctive capabilities are encapsulated in a system that provides a broad window to the Internet. JobDiva - building on steady growth, a rich heritage of innovation, and extensive experience in the recruiting industry - remains committed to continually advancing the long-term success of its clients. Above all, JobDiva prides itself on delivering a demonstrable return on investment to all of its clients' bottom lines.

1 Obeid - direct

2 Q. Was that consulting work continuous
3 with Axelon until JobDiva was founded?

4 A. Yes, and even through today.

5 Q. Tell me about how JobDiva was founded.
6 I know you said you incorporated around 2001.

7 A. Yes.

8 Q. What was the reason for separately
9 incorporating JobDiva?

10 A. By the late nineties the systems which
11 we had developed internally at Axelon to run the
12 staffing business of Axelon, supplying human
13 resources of Axelon, were far more advanced than
14 what's on the market, at least in my opinion,
15 that's my belief, by the late nineties. We had
16 made a considerable amount of profits at Axelon
17 and the business was very successful.

18 I thought that I can take the concepts
19 that we had at Axelon and package a product
20 around them and deliver it to the market, so I
21 started somewhere in '99 or 2000 investigating
22 the methods to develop a solution and by early
23 2001 we decided to develop it on site in New York
24 and with staff we hired because the alternatives
25 were to go and do the development overseas in

1 Obeid - direct

2 low-cost locations, but it was determined best to
3 develop it here locally and I wanted the best
4 possible staff, so I utilized the in-house staff
5 of Axelon first, I moved them to develop JobDiva,
6 and then I brought two key leaders whom I had on
7 the letter of credit system at Citibank in 2001,
8 I asked Citibank to terminate their assignment, I
9 asked Citibank permission to take them out and
10 bring them to develop JobDiva and started to
11 develop JobDiva sometime in the summer of 2001.

12 Q. And what was the solution that JobDiva
13 sought to provide?

14 A. It's an applicant tracking system for
15 recruiting departments, for HR departments
16 seeking to staff people.

17 Q. How did you choose the name JobDiva?

18 A. We had a programmer on site, he was
19 both a left-brainer and a right-brainer, so he's
20 the one who picked out the name.

21 Q. What about the name appealed to you?

22 A. Foremost at the time we needed to find
23 a URL that's available, a name that's available;
24 secondly, it was nice, and this was a plus, that
25 it reflects the business we are in, so it has job

1 Obeid - direct

2 not inclusive, but it's an outline of the major
3 features and capabilities.

4 Q. What would you consider to be the major
5 features and capabilities of JobDiva?

6 A. Well, as a common denominator, as an
7 essential component of it is the applicant-
8 tracking component of it, the job-tracking, the
9 applicant-tracking and CRM component, that is at
10 the minimum a requirement to have an applicant-
11 tracking system, that's the foundation components
12 of JobDiva, so if you look at new job requisition,
13 that's key, and searching for qualifying
14 candidates, which is number two, is key; you need
15 to have contact relationship with management,
16 which is somewhere near the bottom of the second
17 page, that is key and --

18 Q. Mr. Obeid, I'm sorry to interrupt you,
19 but could you describe what you mean when you
20 refer to CRM?

21 A. CRM are the capabilities in the system
22 where you record all of your relationships with
23 outside parties, so if you are a staffing company
24 you're calling up on candidates, you are reaching
25 out to clients, all of your communications with

1 Obeid - direct

2 them gets recorded in the system, notes
3 appointments, phone calls you make, deals you
4 have with them, you might upload your contracts,
5 your agreements, your timetable on tasks you are
6 doing with them is part of the CRM.

7 Now, the two areas -- and again, that's
8 when you are doing contact relationship
9 management with candidates and then you're doing
10 contact relationship with contacts, with clients.

11 Q. By clients who do you mean?

12 A. The end user hiring manager would be a
13 client, if you are an internal HR professional;
14 if you are an agency or a staffing company, it
15 would be the hiring manager or the gatekeeper who
16 is getting the human resources for you at your
17 client.

18 Q. And just for clarity, the reference to
19 new job requisitions --

20 A. Right.

21 Q. -- what does that mean?

22 A. That's when you want a client, being a
23 hiring manager or an HR professional or a
24 gatekeeper gives you an opening to be filled and
25 you are, for instance, a recruiter.

1 Obeid - direct

2 Q. What does the JobDiva solution enable
3 with respect to new job requisitions?

4 A. We record the job requisitions, we
5 record the parameters of the job requisitions,
6 things such as how much they pay, what type of
7 job it is, what are the minimal skill
8 requirements for the job and then you record
9 which people are submitted on their job
10 requisition and it goes into the candidate
11 information management, which is listed in the
12 second column, in the middle of the second
13 column, they record data about which candidates
14 have been submitted for the job, which candidates
15 have been interviewed for the job and which
16 candidates eventually were selected to take the
17 job.

18 Q. Mr. Obeid, directing your attention to
19 the bottom portion of the right-hand column, you
20 will see there is a reference to DIVA VMS.

21 What is that?

22 MR. GREENSTEIN: Counsel, we are
23 talking about the page that's identified as
24 DIVA 9?

25 MR. SCHLOSS: Correct.

1 Obeid - direct

2 MR. GREENSTEIN: Thank you.

3 A. It is a component in JobDiva to enable
4 enterprises such as banks, utility companies to
5 place requisitions in the system which are viewed
6 by supplying agencies and the supplying agencies
7 can fulfill them, so it is really a fulfillment
8 or procurement tool for an enterprise, fulfillment
9 or procurement tool of human resources for an
10 enterprise.

11 Q. Mr. Obeid, how would you describe what
12 you believe to be the significant advantages of
13 JobDiva's system as against some of its
14 competitors?

15 A. I was several differentiators, some of
16 which I might not even be able to cover now
17 because of how numerous they are, but the customer
18 service is one of the key differentiators,
19 the ease with which the system is used, the
20 capabilities, the plethora of capabilities along
21 with distinguishing features in candidate search
22 and in data synchronization over the Internet
23 with outside portals that deliver to us
24 candidates and that deliver to us requisitions.

25 Q. Mr. Obeid, does JobDiva utilize any

1 Obeid - direct
2 social media platforms?

3 A. Certainly. We communicate with all of,
4 most of the known social media platforms,
5 LinkedIn and Facebook, to say the least, we have
6 partnerships with them and we communicate.

7 Q. Just to clarify a little bit without
8 getting into anything that's confidential, can
9 you describe generally the type of communication
10 that you have with LinkedIn and Facebook?

11 A. LinkedIn and Facebook provide tools to
12 applicant-tracking systems for applicant-tracking
13 systems to interact with them and to access data
14 with them that they have or to actually post data
15 on the social networks, so we utilize these
16 tools, so, for instance, a recruiter who is using
17 JobDiva will be able to use JobDiva to post a job
18 requisition he is working on on LinkedIn or
19 Facebook.

20 He can also, given enough authorization
21 from LinkedIn, he might be able to download a
22 profile from LinkedIn also using JobDiva.

23 (Obeid Exhibit 2, documents bearing
24 production Nos. DIVA 0022 through DIVA 0026,
25 marked for identification, as of this date.)

1 Obeid - direct

2 Q. Mr. Obeid, I am going to show you
3 what's been premarked as Exhibit 2.

4 Please take a look at that and let me
5 know if that looks familiar to you, it is several
6 pages.

7 A. Yes.

8 Q. What is that?

9 A. This is from the JobDiva Web site. We
10 have a section which used to be part of the
11 demos, but because it did not have screenshots,
12 we use it now for presentations, I believe, and
13 we have, again, an outline of the capabilities in
14 JobDiva which is interactive, the user can go on
15 the Web site, can click on the different items
16 listed here to listen or read what's behind the
17 bullet points.

18 Q. Can you describe in general terms the
19 functionality of the candidate portal identified
20 beginning on the page marked DIVA 22?

21 A. This is the JobDiva portal that enables
22 a company that uses JobDiva to have it embedded
23 in their company Web site and the purpose of it
24 is for candidates who are applying -- for
25 candidates to be able to apply to jobs with that

Obeid - direct

company, so the portal displays to a visiting candidate the job requisitions that the company has, enables the candidate to apply to these jobs and the portal interacts with the candidate, so, for instance, the portal will be able to analyze the candidate's resume and give him feedback on his resume, the portal is also able to analyze the candidate's resume and display to him the best jobs that that company, the best openings that company has that might be suited for him based on his resume and based on the requirements of the jobs.

Q. Mr. Obeid, when you refer to feedback, what type of feedback, what would be an example of a type of feedback?

A. For instance, if the person omitted to enter a phone number, omitted to enter a Zip Code or an address, it will recommend that he does that the next time he posts a resume or updates his data and also questions him on inconsistencies in his job, the periods he had the jobs so in case, for instance, he has a resume in which he said he was employed from 2001 to 2003 at one company, A, and then it says 2002 to 2005 at

1 Obeid - direct

2 company B, it's going to highlight to him that
3 the years 2002 and 2003 show that he was employed
4 in two places, so it says, you know, if you are
5 part time at one of the places or both it's okay,
6 but if it's a mistake in the way you compose your
7 resume, please make the correction.

8 Again, it highlights if there are gaps
9 in his resume, durations, it will say, look, we
10 are missing something, what have you done between
11 2002 to 2004, and if you have done nothing,
12 that's okay, but if you have done something,
13 please indicate it.

14 Q. So it indicates gaps in the chronology
15 of the work history?

16 A. Yes.

17 Q. Does JobDiva's system have the
18 capability to recommend particular job openings
19 for a candidate?

20 A. Yes. Once a candidate uploads his
21 resume then there is a capability where the
22 candidate can say of those hundreds of jobs that
23 this company has, which ones do you believe might
24 be suited for me, so it focuses him on the ones
25 that are more suited for him.

1 Obeid - direct

2 Q. Mr. Obeid, can you describe briefly the
3 importance of resume harvesting to JobDiva?

4 A. JobDiva aggregates resumes for its
5 clients, employers, from the job boards to which
6 we supply, they apply to job boards to source
7 candidates and that is usually a manual exercise,
8 the employer's staff logs into a job board with
9 an ID and password such as Monster or Career
10 Builder and they sift through resumes through
11 search engines that the job boards provide to
12 source candidates for their openings.

13 JobDiva had automated that function so
14 sourcers don't have to log in directly into the
15 job boards. Through JobDiva 24 hours/7 JobDiva
16 has electronic capabilities to search the job
17 board's sites and databases for candidates on
18 behalf of the employers who are subscribing to
19 these job boards, so it's almost like an
20 outsource function that JobDiva performs in the
21 recruiting process.

22 (Obeid Exhibit 3, document bearing
23 production No. DIVA 0102, marked for
24 identification, as of this date.)

25 Q. Mr. Obeid, I am going to show you

MR. SCHLOSS: I will note that this exhibit was produced during the earlier stage of the case with the designation "Trade Secret-Commercially Sensitive" and I would ask that it be noted that this portion of the transcript be so designated as well, we will make that designation separately when we get the transcript, so this part will be filed under seal.

Ω.

A0224

Home > Product > Staffing and Recruiting Software Capabilities

☐ Remember Me

PRODUCT

LIST OF CAPABILITIES

PRODUCT/ SOLUTION

SEIZE VMS OPPORTUNITY

SECURE TOP TALENT

HARVESTER

BUILD RELATIONSHIPS

DRIVE PROFITABILITY

JOBDIVA REPORTS

SUPPORT SERVICES

DIVANDBILE

JOBDIVA STAFFING AND RECRUITING SOFTWARE CAPABILITIES

JobDiva's recruitment solutions have several benefits that will streamline your employment process. Whether you want to synchronize your Outlook with emails and calendars, or you want to manage your employees' schedules from one place, all that is possible with the staffing solutions from JobDiva.

Here you will find a list of the capabilities of our staffing software. Under each category of recruiting solutions are details of that capability and a demo link. You are one click away from learning about new job requisitions or resume harvesting, all part of the recruitment solutions provided by JobDiva. Learn about the job dashboard or candidate searches by scrolling through the staffing software's capabilities. You will find JobDiva offers you the powerful staffing solutions you need to succeed.

JobDiva Introduction

Searching for Qualified Candidates

New Job Requisitions

Email

Calendar

Outlook Synchronization

Contact Relationship Management

Flexible/Per Diem Staffing

Email Merge

Audit Trail

VMS Synchronization

Resume Harvesting

SAAS Model

Jobs Dashboard

Supplier Portal

Configurability

Hot Lists

Reports & Metrics

User Defined Fields

Templates

Privacy & Permissions

CalcuDiva

Help & Best Practices

Candidate Portal

Candidate Information Management

EEO

Diva Financials

Large Company Management

Diva VMS

New Releases

Training

Security

JOBDIVA INTRODUCTION

- JobDiva is an end-to-end talent management system
- JobDiva is delivered as a service
- JobDiva boosts an organization's capacity to service client needs [Top](#)



SEARCHING FOR QUALIFIED CANDIDATES

- Search Resumes Utilizing Boolean Logic Qualified by Years of Experience
- Refine Candidate Lists by Geography, Pay Range, Education and Other
- Exclude Criteria to Narrow Search Further
- Search resumes for the synonyms and the implications of the required Skills
- Utilize Qualifying Parameters that Leverage Pre-Screened Candidates
- Perform Text Searches on Privately Defined Attributes of Candidates
- Browse Skilled Candidate Pool and Availability Irrespective of the Existence of an Opening



[Top](#)



NEW JOB REQUISITIONS

- Enter and Maintain Job Requisitions through a Simple Data-Rich Interface
- Use Optional, Configurable Job Catalogs to Create New Positions Fast
- Track Each Candidate from Submittal to Start Date
- Follow an Intuitive, Self-Regulated Work Flow Process
- Quickly Access Relevant Lists for Each Job

**Matching Candidates**

- Candidates Contacted via Email Merge
- Candidates Expressing Interest in Response to Email Merge
- Candidates Applying through Advertisement of the Job
- Instantly Calculate Margins, Cost and More with *CalcuDiva*
- Auto-Post Openings To Job Boards and Your Own Portal
- Benefit from Ongoing Electronic Sourcing of Candidates
- Prompt Harvesting of Fresh Candidates from Job Boards
- Email a Job Description—automatically cleansed of sensitive details—to a Potential Candidate or Recruiter with One Click [top](#)

EMAIL

- Access Your Outlook (or any IMAP-Compliant Email Servers) Through JobDiva's *Diva-Mail*

**Email****Contact****Calendar**

- Synchronize JobDiva's CRM Components with Outlook

Contact**Calendar**

- Process Incoming Email for Candidates and Contacts
- Save and Track All Transactional Email in JobDiva and Outlook
- Event-Driven Email Alerts
- Associate Emails with Events, Reminders and Tasks
- Take Advantage of Rich Text Features for All Emails [top](#)

CALENDAR

- Let Calendars Update Themselves: Recruiting Activities, such as Interviews or Hires, Automatically Updated to Individual or Group Calendars
- Sync JobDiva Calendar to Your Outlook and Smart Phones
- Drive Your Daily Activities with Featured Events, To Do lists, and Reminders
- Glide Over Clear, Logically Designed Format [top](#)

**OUTLOOK SYNCHRONIZATION**

- Sync Your Outlook Calendar with Your JobDiva Calendar
- Sync Your Outlook Contacts with Your JobDiva CRM Database
- Sync Emails to Take Advantage of *Diva-Mail* features
- Control Rules of Syncing Utilizing Various Setting Options [top](#)

**CONTACT RELATIONSHIP MANAGEMENT**

- Track Relationships through Notes, Attributes, Events, To Do's, Submittals, Interviews, Hires, Sales Milestones, Sales Pipelines and more.
- Sync all Contacts and Related Events with Calendars and Smart Phones
- Track Contact Email
- Manage Organizational Hierarchies
- Set Candidate Submittal Guidelines at the Company Level That Will Flow Down to Contacts/Hiring Managers, Jobs, etc.
- Set Discount Structure at Company Level That Will Flow Down to Contacts/Hiring Managers, Jobs, etc.
- Categorize Contacts
- Set Access Permissions to Contacts
- Search on Configurable Sales Pipeline
- Create and Manage User-Defined Fields
- Create Email Marketing Campaigns [top](#)

**FLEXIBLE/PER DIEM STAFFING**

- Manage Workers Schedules and Assignments from Calendar
- Record and Store Licenses & Certifications on a Candidate's Page
- Set Alerts and Generate Reports for Expiring Licenses & Certifications
- Quickly Create of Submittal Packages, Bundling Resumes with Other Relevant Documents
- Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars



- Allow Candidates to Check Their Calendars and Set Unavailability Top

EMAIL MERGE

- Target People with the Right Experience
- Save Time with Customizable Email Templates
- Deliver Rich Text Emails
- Automatically Generate Records of Merges Top

**AUDIT TRAIL**

- View All Your Activities
- View All Your Moves on the System
- Look at Recently Viewed Candidates, Companies and Contacts
- View Submittal Metrics
- Review Self-Maintaining Jobs Dashboard
- Utilize Notes to Self-Monitor Recruiting Process
- Draw on JobDiva's Best Practices Guide for Detailed Information on Meeting OFCCP and EEO Requirements Top

**VMS SYNCHRONIZATION**

- Automatically Sync Your Database of Jobs with All Vendor Management Systems
- Watch New VMS Jobs Open in Real Time in JobDiva
- Watch Existing VMS Jobs Update in Real Time in JobDiva
- Opt to Receive Email Notifications Whenever a Job Opens, Closes or Updates
- Automatically Cleanse Sensitive Data Top

**RESUME HARVESTING**

- Intelligently Automatically Create an Extensive Database of Candidates
- Use Job Board IDs in the Most Effective Manner
- Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week Top

**SAAS MODEL**

- Free Yourself from Software and Hardware Maintenance
- Access JobDiva from Anywhere
- Inoculate Your Company from 'Versionitis'
- Stay Up to Date Top

**JOBS DASHBOARD**

- 'Drive' Your Day with a Dashboard View of Your Jobs
- Take In All Open Jobs at a Glance
- Travel Directly to Priority Items
- View Dashboards at Individual, Division, or Group Level Top

**SUPPLIER PORTAL**

- Define Suppliers
- Distribute Job Requirements
- Receive and Review Candidates
- Communicate Easily with Suppliers Top

**CONFIGURABILITY**

- Tune JobDiva to Your Liking
- Assign Permissions
- Choose Your Alerts
- Define System Attributes Top

**HOT LISTS**

- Create Dynamic Collections of Qualified Candidates
- Create Files of Candidates
- Share Hotlists among Users
- Email Merge Candidates on Hotlists Top

**REPORTS & METRICS**

- Utilize Extensive Body of Database Reports
- Utilize Extensive Body of Activity Data Reports
- Gain from Automated Data Collection
- Run Reports Using Multiple Filters
- Export Reports to Microsoft Excel®
- See Your Activity-Trail Down to the Minute



- Keep Rich, Detailed Records of Submittal Metrics [Top](#)

USER DEFINED FIELDS

- Define Fields at the Contact or Company Level to Enrich Your CRM
- Define Fields for Candidate Records
- Define Fields for Jobs
- Define Fields for Starts
- Choose from a Variety of Field Types
- Mask Data for Privacy [Top](#)



TEMPLATES

- Pre-Format Email Templates for Merges and Activities
- Keep Candidate Attributes in Data Sheet Templates
- Save Candidate References Q&A in Templates [Top](#)



PRIVACY & PERMISSIONS

- Control Access to View and Edit
- Assign User Permissions
- Own Your Activities [Top](#)



CALCUDIVA

- Maximize Each Deal's Profit
- Easily Calculate Margins
- Utilize Targeted Margins to Strike the Best Deal
- Negotiate the Best Bill Rate and the Best Pay Rate
- Account for Various Employment Relationships
- Factor in Corporate Discounts Automatically or Manually
- Account for Other Overheads and Expenses [Top](#)



HELP & BEST PRACTICES

- Use Content Rich JobDiva Help Section
- Leverage Content Rich Best Practices Guide
- Easily Refer to the What's and the How's of Functions
- Leverage the Why's for Optimal Performance
- Search by Phrase or Topic of Interest
- Read Priority Topics for Essential Guide [Top](#)



CANDIDATE PORTAL

- Let Candidates Peruse Jobs and Apply Easily
- Give Candidates the Tools to Create and Update Resumes
- Give Candidates Ability to Manage Their Own Calendar
- Allow Candidates to Upload Documents [Top](#)



CANDIDATE INFORMATION MANAGEMENT

- Save Time with Automatic Resume Parsing and File Creation
- Manage Candidate Relationships
- Manage Candidate's Calendar and Availability
- Let JobDiva Guide Recruiters through Reference Gathering
- Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More
- Flip Easily Through Virtual Stacks of Resumes
- Access Live & Saved Candidate Emails [Top](#)



EEO

- Let JobDiva collect EEO Data from Applicants
- Utilize Automatically Stored Data for Reporting and Auditing Purposes
- Comply to OFCCP Guidelines With Existing JobDiva Capabilities
- Draw on JobDiva's Best Practices Guide [Top](#)



DIVA FINANCIALS

- Integrate Front Office and Back Office Financial Processes
- Bill and Pay
- Import Timesheets Electronically
- View an Array of Financial Reporting
- Generate Commission Reports [Top](#)



LARGE COMPANY MANAGEMENT

- Manage Multiple Divisions
- Track Metrics by Division
- Service Various Verticals and Staffing Types



- Become an MSP Top

DIVA VMS

- Offer Clients Your Diva VMS

- Become an MSP

- Manage Third Party Suppliers Top



NEW RELEASES

- Be Part of the Future

- Leverage Content Rich Best Practices Guide

- Benefit from JobDiva's Rigorous Development Strategy

- Filter out the Fluff, the Fade and the Distractions

- Free Yourself from 'Versionitis'

- Don't Pay for Upgrades or Fixes Top



TRAINING

- Easily Learn an Ergonomically Mature System

- Receive Onsite Training From Knowledgeable Staff

- Pay Nothing for Ongoing Training Top



SECURITY

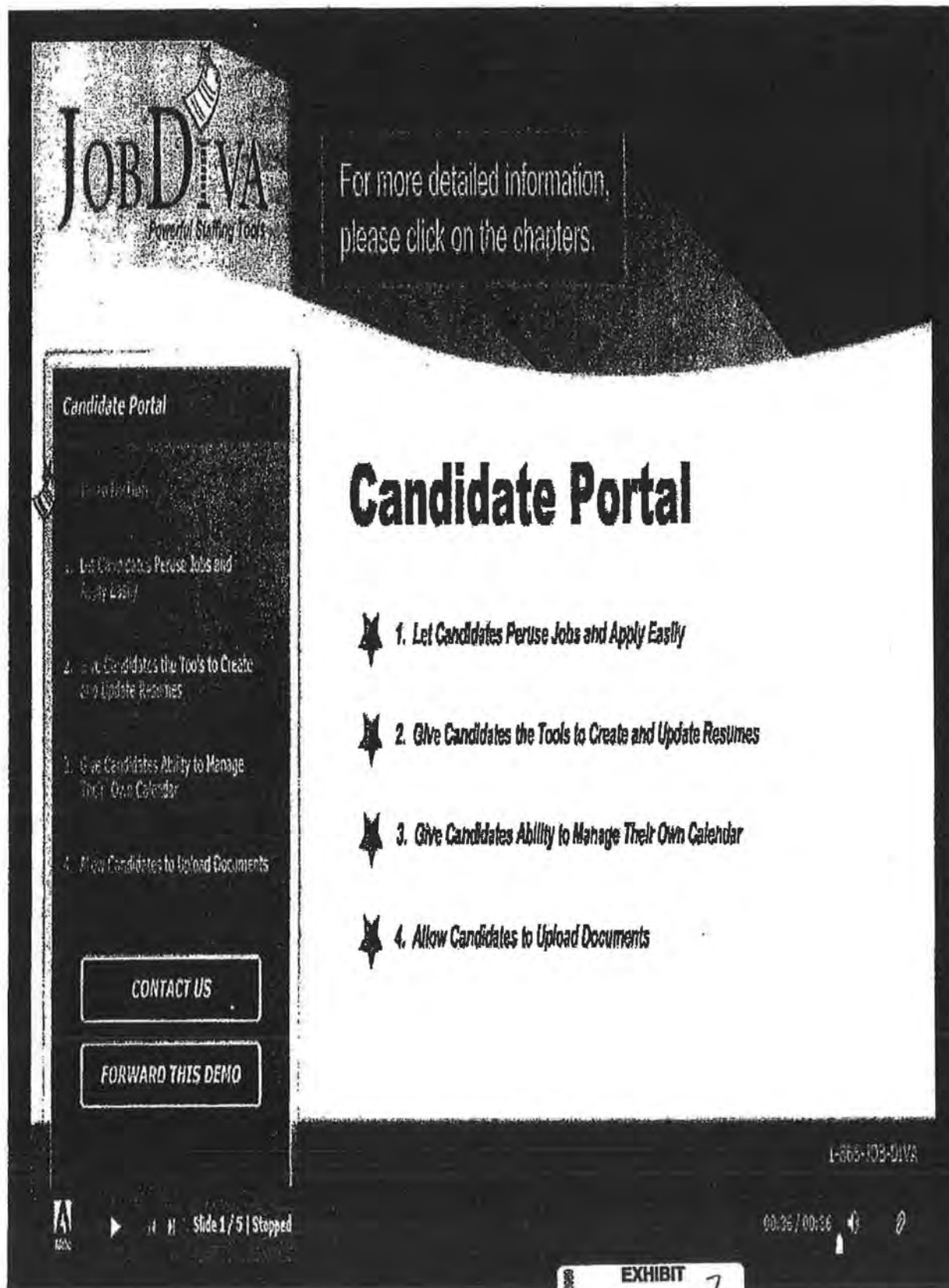
- Store Your Data Safely Manage Multiple Divisions

- Control Access to SystemTrack Metrics by Division

- Let JobDiva Manage Disaster Recovery Plans

- Receive Security Assessments Top





The image is a screenshot of a presentation slide titled "Candidate Portal". In the top left corner, the "JOB DIVA" logo is displayed with the tagline "Powerful Staffing Tools". To the right of the logo, a text box says "For more detailed information, please click on the chapters." Below the logo, a sidebar titled "Candidate Portal" lists four bullet points: "1. Let Candidates Peruse Jobs and Apply Easily", "2. Give Candidates the Tools to Create and Update Resumes", "3. Give Candidates Ability to Manage Their Own Calendar", and "4. Allow Candidates to Upload Documents". At the bottom of the sidebar are two buttons: "CONTACT US" and "FORWARD THIS DEMO". The main content area of the slide features the title "Candidate Portal" in large bold letters, followed by the same four numbered points, each preceded by a star icon. At the bottom right of the slide, the text "L-865-JOB-DIVA" is visible. A presentation control bar at the very bottom shows "Slide 1/5 | Stopped" and a timestamp of "00:26/00:56".

JOB DIVA
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Candidate Portal

- 1. Let Candidates Peruse Jobs and Apply Easily
- 2. Give Candidates the Tools to Create and Update Resumes
- 3. Give Candidates Ability to Manage Their Own Calendar
- 4. Allow Candidates to Upload Documents

Candidate Portal


- 1. Let Candidates Peruse Jobs and Apply Easily
- 2. Give Candidates the Tools to Create and Update Resumes
- 3. Give Candidates Ability to Manage Their Own Calendar
- 4. Allow Candidates to Upload Documents

CONTACT US

FORWARD THIS DEMO

L-865-JOB-DIVA

Slide 1/5 | Stopped 00:26/00:56



Candidate Portal

1. Let Candidates Peruse Jobs and Apply Easily

On your company's website, JobDiva will host a candidate portal that lists all open jobs.

Candidates can search for positions based on key words, job type (Full Time, Contract, etc.), or location.

They can also search for 'ideal' jobs, letting JobDiva evaluate their resume against all open jobs in the system and suggest possible fits.

Candidates can apply online within the portal or forward job descriptions to third parties. JobDiva creates a history of all applied to for the candidates to access.


CONTACT US

FORWARD THIS DEMO

1-888-332-0114

Slide 2 / 5 | Stopped

00:35 / 00:39



JobDiva
Powerful Staffing Tools

Candidate Portal

2. Give Candidates the Tools to Create and Update Resumes

This portal gives candidates the opportunity to log in and create a resume – either by uploading it, pasting it or emailing it into the system.

JobDiva can also help them build a resume step-by-step.

Once a resume is stored in the system, they can log in at any point and edit it.

And JobDiva's unlimited data storage makes it possible for candidates to store multiple resumes within the system without adding drag to your searches.

CONTACT US

FORWARD THIS DEMO

Slide 3 / 5 | Stopped

00:05 / 00:05

Candidate Portal

3. Give Candidates Ability to Manage Their Own Calendar

By logging into their job portal, candidates will be able to see a layered, flexible calendar.

They can use this calendar to set availability for interviews or assignments.

They can also mark periods of unavailability to keep you informed when they're committed elsewhere.


CONTACT US

FORWARD THIS DEMO

1-866-JOB-DIVA

Slide 4 / 5 | Stopped

00:22 / 00:22



Candidate Portal

Candidate Portal

- Introduction
- 1. Enable Candidates For Profiles and Apply Online
- 2. Allow Candidates the Tools to Create and Update Resumes
- 3. Give Candidates Ability to Manage Their Own Calendar
- 4. Allow Candidates to Upload Documents**

[CONTACT US](#)

[FORWARD THIS DEMO](#)

4. Allow Candidates to Upload Documents

In addition to the ability to upload resumes, JobDiva lets candidates upload documents as well, such as copies of licenses and certifications.

After an internal user verifies and approves the document, it will then be stored on that candidate's internal record.

Page 05-27-14

Slide 5 / 5 | Stopped

00:21 / 00:21

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA600964**Filing date: **04/28/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050828
Party	Plaintiff JobDiva, Inc.
Correspondence Address	DANIEL I SCHLOSS GREENBERG TRAURIG LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES schlossd@gtlaw.com, navarro@gtlaw.com, nytm-dkt@gtlaw.com, bian-coc@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel J. Navarro
Filer's e-mail	navarro@gtlaw.com, schlossd@gtlaw.com, biancoc@gtlaw.com, nytm-dkt@gtlaw.com
Signature	/Daniel J. Navarro/
Date	04/28/2014
Attachments	JobDiva Counterclaim Notice of Reliance (1).pdf(106000 bytes) JobDiva Counterclaim Notice of Reliance- EXHIBIT A (1).pdf(4015938 bytes) JobDiva Counterclaim Notice of Reliance- EXHIBIT A (2).pdf(3750351 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JOBDIVA, INC.)	Cancellation No. 92/050,828
)	Mark: JOBVITE
)	Registration No. 3,103,253
Petitioner/Counterclaim)	
Respondent,)	
)	
v.)	
)	
JOBVITE, INC.)	
)	
Respondent/Counterclaim)	
Petitioner.)	

COUNTERCLAIM RESPONDENT JOBDIVA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

Pursuant to 37 C.F.R. § 2.122(e), Counterclaim Respondent JobDiva hereby gives notice that it may rely on the printed publications in the nature of Internet materials listed below. These publications are accessed and printed from publicly available websites. The index below identifies the title and relevance of each publication. The publicly available website materials identify the date on which the document was accessed and printed, as well the applicable URL identifying the online source of the document.

1. Printouts from JobDiva's website attached hereto as Exhibit A show the use of JobDiva's marks for its services.

Dated: April 28, 2014

By: /Daniel I. Schloss/
Daniel I. Schloss
Alan N. Sutin
Daniel J. Navarro
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
Attorneys for Counterclaim Respondent JobDiva, Inc.

NY 243725629v2

CERTIFICATE OF SERVICE

Date: April 28, 2014

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Reliance on Printed Publications has been served by first class mail, postage prepaid, this 28th day of April 2014 upon Jobvite, Inc. at the following correspondence address of its counsel of record:

Martin R. Greenstein, Esq.
TechMark a Law Corporation
4820 Harwood Road, 2nd Floor
San Jose, CA 95124

/Daniel J. Navarro/
Daniel J. Navarro

EXHIBIT A

NY 243725629v2

A0381



JOB DIVA
Powerful Staffing Tools

Candidate Information Management

JobDiva understands that candidates are your business.

That's why we provide you a robust collection of tools to manage your candidates' information and your relationships with them.

1-866-JOB-DIVA
00:12 / 00:42

1-866-JOB-DIVA
00:12 / 00:42

Candidate Information Management

Introduction

1. Save Time with Automatic Resume Parsing and File Creation
2. Manage Candidate Relationships
3. Manage Candidate's Calendar and Availability
4. Let JobDiva Guide Recruiters through Reference Gathering
5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume
6. Flip Easily Through Virtual Stacks of Resumes

CONTACT US

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Slide 1 / 9 [Stopped]



For more detailed information, please click on the chapters.

Candidate Information Management

- ★ 1. Save Time with Automatic Resume Parsing and File Creation
- ★ 2. Manage Candidate Relationships
- ★ 3. Manage Candidate's Calendar and Availability
- ★ 4. Let JobDiva Guide Recruiters through Reference Gathering
- ★ 5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More
- ★ 6. Flip Easily Through Virtual Stacks of Resumes

Candidate Information Management

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00:42 / 00:42

JobDIVA
Powerful Staffing Tools

Candidate Information Management

1. Save Time with Automatic Resume Parsing and File Creation

Creating a candidate file in JobDiva is as easy as forwarding an email or clicking a button.

Whenever you get a new resume, simply forward it as an attachment or in the body of the email to an address that will be yourcompany@jobdiva.com.

You may also click a button to upload a resume.

JobDiva will automatically parse the resume and create a candidate record.

1-866-JOB-DIVA
00:25 / 01:10

1-866-JOB-DIVA

1. Save Time with Automatic Resume Parsing and File Creation

2. Manage Candidate Relationships

3. Manage Candidate's Calendar and Availability

4. Let JobDiva Guide Recruiters through Reference Gathering

5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume

6. Flip Easily Through Virtual Stacks of Resumes

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Candidate Information Management

JobDiva
Powerful Staffing Tools

1. Save Time with Automatic Resume Parsing and File Creation

Resumes will also flow into your database from harvesting the job boards, your own company's web portal and from candidates responding to your advertisements.

More resumes no longer means tedious data entry.

Instead, JobDiva populates the file with contact information, work history, and education. This is done instantaneously as you watch or in the background.

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Candidate Information Management

Introduction

1. Save Time with Automatic Resume Parsing and File Creation
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00:52 / 01:10

Candidate Information Management

JobDIVA
Powerful Staffing Tools

1. Save Time with Automatic Resume Parsing and File Creation

The system creates a single folder for a candidate even when multiple resumes are received. Meanwhile, it saves all the received resumes.

JobDiva recognizes resumes coming in from candidates already in the system and places the new resume in that candidate's folder.

2. Manage Candidate Relationships

3. Manage Candidate's Calendar and Availability

4. Let JobDiva Guide Recruiters through Reference Gathering

5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume

6. Flip Easily Through Virtual Stacks of Resumes

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01:10/03:10

The screenshot shows a presentation slide titled "2. Manage Candidate Relationships" under the heading "Candidate Information Management". The slide features a blue background with a yellow lightning bolt graphic. The JobDiva logo is in the top left corner. The main content area lists six points: 1. Save Time with Automatic Resume Parsing and File Creation; 2. Manage Candidate Relationships (highlighted); 3. Manage Candidate's Calendar and Availability; 4. Let JobDiva Guide Recruiters through Reference Gathering; 5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume; 6. Flip Easily Through Virtual Stocks of Resumes. At the bottom, there are two buttons: "CONTACT US" and "FORWARD THIS PRESENTATION". A status bar at the bottom right shows "1-866-JOB-DIVA", "00:20 / 00:46", and "Slide 3 / 7 | Stopped".

Candidate Information Management

2. Manage Candidate Relationships

From resumes to emails, from conversation notes to references, from submittal information to hires and rejections, JobDiva compiles all of the candidate's attributes and communications with the company into one folder and displays it onto one data-rich screen that is easy to follow and read.

1. Save Time with Automatic Resume Parsing and File Creation
2. **Manage Candidate Relationships**
3. Manage Candidate's Calendar and Availability
4. Let JobDiva Guide Recruiters through Reference Gathering
5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume
6. Flip Easily Through Virtual Stocks of Resumes

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JobDiva
Powerful Staffing Tools

Candidate Information Management

2. Manage Candidate Relationships

Through this candidate screen, you will have a window onto what other recruiters in your organization have to say about the candidate.

See the email merges they've received.

Store your own information about the candidate too and store and view the multiple resumes that the candidate has.

Check what licenses, certifications, on-boarding documentation you have for them on file. And much, much more.

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Slide 3 / 7 | Stopped

The image is a screenshot of a presentation slide. The slide has a blue header with the text 'Candidate Information Management' on the left and 'JOB DIVA Powerful Staffing Tools' on the right. The main title of the slide is '3. Manage Candidate's Calendar and Availability'. Below the title, there are three paragraphs of text. The first paragraph states that each candidate in JobDiva has a layered calendar that can reflect scheduled events, such as interviews and assignments. The second paragraph states that you can also control a candidate's employment availability. The third paragraph states that you can mark candidates as available as of a certain date or unavailable until a certain date. Below the text, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. At the bottom of the slide, there is a footer with the text '1-866-JOB-DIVA' and '00:25 / 00:25'.

Candidate Information Management

JOB DIVA
Powerful Staffing Tools

3. Manage Candidate's Calendar and Availability

Each candidate in JobDiva has a layered calendar that can reflect scheduled events, such as interviews and assignments.

You can also control a candidate's employment availability.

Mark candidates as available as of a certain date or unavailable until a certain date.

Options for controlling email merges also exist on the Candidate screen.

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JobDiva
Powerful Staffing Tools

Candidate Information Management

4. Let JobDiva Guide Recruiters through Reference Gathering

On each Candidate page, there's a link to that candidate's reference portal.

Here, you can record the name and contact information of their employment reference.

The record is tied to the Contact Relationship Database, so that if you start to type in the name of a reference, the system will suggest stored contacts to minimize data entry.

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JobDiva
Powerful Staffing Tools

Candidate Information Management

4. Let JobDiva Guide Recruiters through Reference Gathering

Standard questions for references can be stored within JobDiva.

There is also space to record the answers and information references provide to create a complete, compact file for each employment reference.

Candidate Information Management

Introduction

1. Save Time with Automatic Resume Parsing and File Creation
2. Manage Candidate Relationships
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5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume
6. Flip Easily Through Virtual Stacks of Resumes

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00:36 / 00:35

Slide 3 / 7 | Stopped

Candidate Information Management

5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More

The Candidate screen features many tools to benefit both you and the candidate:

In just a few seconds, JobDiva delivers a list of all open jobs with criteria matching the candidate's skills.

With one click, JobDiva will generate an email with the resume attached so that you can easily forward it on to interested persons.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

The image is a screenshot of a presentation slide for JobDiva software. The slide has a blue background with a yellow and white graphic on the left side. The JobDiva logo is at the top left, with the tagline 'Powerful Staffing Tools'. The title 'Candidate Information Management' is at the top right. The main content is a list of six features, with the fifth feature highlighted in yellow. Below the list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. At the bottom, there is a status bar with navigation icons and the text 'slide 6 / 7 | stopped'. The phone number '1-866-JOB-DIVA' is at the bottom right.

JobDiva
Powerful Staffing Tools

Candidate Information Management

5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More

Or, if a candidate expresses interest in a position, simply type in the job number and let JobDiva tell you if the job's requirements and the candidate's resume match.

This will help the recruiter focus on the pertinent information in the resume and the job description.

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JobDiva
Powerful Staffing Tools

Candidate Information Management

5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume, and Much More

In Microsoft Word®, rapidly generate a formatted resume that can be presented to the client or the hiring manager.

Relevant skills will be bolded. Your company's logo and contact information will be automatically included.

These are just some of the tools JobDiva equips you with to help your candidates and yourself.

Candidate Information Management

- 1. Save Time with Automatic Resume Parsing and File Creation
- 2. Manage Candidate Relationships
- 3. Manage Candidate's Calendar and Availability
- 4. Let JobDiva Guide Recruiters through Reference Gathering
- 5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume**
- 6. Flip Easily Through Virtual Stacks of Resumes

CONTACT US

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Slide 6 / 21 Slipped

Candidate Information Management

JobDIVA
Powerful Staffing Tools

6. Flip Easily Through Virtual Stacks of Resumes

JobDiva knows you don't have time to waste.

When sourcing for a position, flip through resumes of qualified candidates, with key data highlighted, moving directly from the candidate to candidate just by clicking an arrow icon.

A small preview box in the corner of the screen will also give you the option to pick and chose which candidates you'd like to see.

Candidate Information Management

Introduction

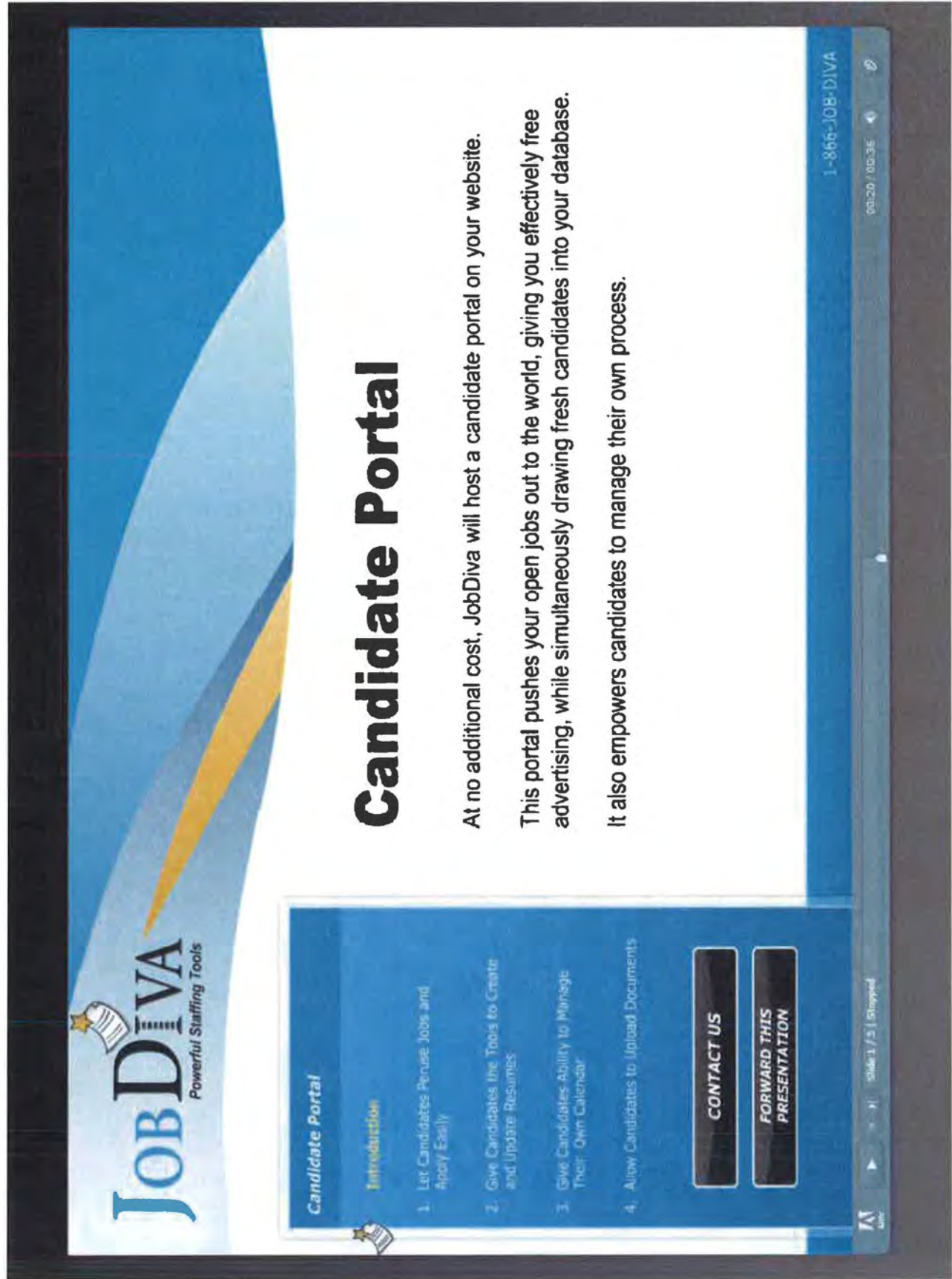
1. Save Time with Automatic Resume Parsing and File Creation
2. Manage Candidate Relationships
3. Manage Candidate's Calendar and Availability
4. Let JobDiva Guide Recruiters Through Reference Gathering
5. Find Ideal Jobs, Forward Resumes, Measure Candidate's Qualifications Against a Job, Electronically Format Resume
6. Flip Easily Through Virtual Stacks of Resumes

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00:25 / 00:26

Slide 7 / 7 | Stopped



The image shows a presentation slide for the JobDiva Candidate Portal. The slide has a blue and white background with a yellow swoosh. The JobDiva logo is in the top left corner. The main title is 'Candidate Portal'. Below the title, there are three bullet points: '1. Let Candidates Peruse Jobs and Apply Easily', '2. Give Candidates the Tools to Create and Update Resumes', and '3. Give Candidates Ability to Manage Their Own Calendar'. To the right of these points are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. At the bottom right, there is a phone number '1-866-JOB-DIVA' and a date '04/20/10 3:36'. The slide is part of a presentation, as indicated by the 'Slide 1 / 3' and 'Stopped' text at the bottom.

JobDiva
Powerful Staffing Tools

Candidate Portal

At no additional cost, JobDiva will host a candidate portal on your website.

This portal pushes your open jobs out to the world, giving you effectively free advertising, while simultaneously drawing fresh candidates into your database.

It also empowers candidates to manage their own process.

Candidate Portal

Introduction

1. Let Candidates Peruse Jobs and Apply Easily
2. Give Candidates the Tools to Create and Update Resumes
3. Give Candidates Ability to Manage Their Own Calendar
4. Allow Candidates to Upload Documents

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JobDIVA
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Candidate Portal

- ★ 1. Let Candidates Peruse Jobs and Apply Easily
- ★ 2. Give Candidates the Tools to Create and Update Resumes
- ★ 3. Give Candidates Ability to Manage Their Own Calendar
- ★ 4. Allow Candidates to Upload Documents

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JobDiva
Powerful Staffing Tools

Candidate Portal

1. Let Candidates Peruse Jobs and Apply Easily

- 1. Let Candidates Peruse Jobs and Apply Easily
- 2. Give Candidates the Tools to Create and Update Resumes
- 3. Give Candidates Ability to Manage Their Own Calendar
- 4. Allow Candidates to Upload Documents

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A0398

The image is a screenshot of a presentation slide titled "Candidate Portal" for JobDiva. The slide features a blue and yellow abstract background. The JobDiva logo, which includes a stylized figure holding a document, is in the top left corner. The main heading is "2. Give Candidates the Tools to Create and Update Resumes". Below this, there are three paragraphs of text explaining the portal's features. At the bottom of the slide, there are two buttons: "CONTACT US" and "FORWARD THIS PRESENTATION". The slide is part of a presentation, as indicated by the "slide 3 of 3" text in the bottom right corner.

Candidate Portal

JobDiva
Powerful Staffing Tools

2. Give Candidates the Tools to Create and Update Resumes

This portal gives candidates the opportunity to log in and create a resume -- either by uploading it, pasting it or emailing it into the system.

JobDiva can also help them build a resume step-by-step.

Once a resume is stored in the system, they can log in at any point and edit it.

And JobDiva's unlimited data storage makes it possible for candidates to store multiple resumes within the system without adding drag to your searches.

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JobDiva
Powerful Staffing Tools

Candidate Portal

3. Give Candidates Ability to Manage Their Own Calendar

By logging into their job portal, candidates will be able to see a layered, flexible calendar.

They can use this calendar to set availability for interviews or assignments.

They can also mark periods of unavailability to keep you informed when they're committed elsewhere.

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Slide 4 / 5 | Stopped

A0400

The screenshot shows a presentation slide titled "Candidate Portal" with a blue and white background. The slide is part of a presentation, as indicated by the "Slide 3 / 3 | Stopped" text in the bottom right corner. The slide content includes a list of features and two buttons.

JobDIVA
Powerful Staffing Tools

Candidate Portal

Introduction

1. Let Candidates Peruse Jobs and Apply Easily
2. Give Candidates the Tools to Create and Update Resumes
3. Give Candidates Ability to Manage Their Own Calendar
4. **Allow Candidates to Upload Documents**

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00/24/00:24

A0401

JobDiva
Powerful Staffing Tools

Jobs Dashboard

Just as a car has a dashboard, JobDiva comes equipped with a similar instrument panel to give you quick accesses to key data, so that you can get where you need to go.

Steer toward success with the JobDiva's Jobs Dashboard.

Jobs Dashboard

Introduction

1. Drive Your Day with a Dashboard View of Your Jobs
2. Take in All Open Jobs at a Glance
3. Travel Directly to Priority Items
4. View Dashboards at Individual, Division, or Group Level

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00:17 / 00:31

The image is a screenshot of a presentation slide titled "Jobs Dashboard". The slide features a blue and white background with a yellow lightning bolt graphic. At the top left, the JobDiva logo is displayed with the tagline "Powerful Staffing Tools". A dark blue box on the left contains the text: "For more detailed information, please click on the chapters." The main title "Jobs Dashboard" is centered in a large, bold, black font. Below the title, there is a list of four items, each preceded by a yellow star icon:

1. 'Drive' Your Day with a Dashboard View of Your Jobs
2. Take in All Open Jobs at a Glance
3. Travel Directly to Priority Items
4. View Dashboards at Individual, Division, or Group Level

At the bottom of the slide, there are two black buttons with white text: "CONTACT US" and "FORWARD THIS PRESENTATION". The bottom right corner of the slide shows a status bar with the text "1-866-JOB-DIVA" and "00:31 / 00:31".

Jobs Dashboard

JobDIVA
Powerful Staffing Tools

1. 'Drive' Your Day with a Dashboard View of Your Jobs

JobDiva can help you define priorities.

Jobs are arranged by urgency, so that those with the least response appear at the top of the screen, while covered and filled jobs show toward the bottom.

This encourages recruiters to achieve a 100% response rate and lets managers know when open jobs have been neglected and need addressing.

Jobs Dashboard

Introduction

1. 'Drive' Your Day with a Dashboard View of Your Jobs
2. Take in All Open Jobs at a Glance
3. Travel Directly to Priority Items
4. View Dashboards at Individual, Division, or Group Level

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Jobs Dashboard

JobDiva
Powerful Staffing Tools

Jobs Dashboard

Introduction

1. Drive Your Day with a Dashboard View of Your Jobs
- 2. Take in All Open Jobs at a Glance**
3. Travel Directly to Priority Items
4. View Dashboards at Individual, Division, or Group Level

CONTACT US

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2. Take in All Open Jobs at a Glance

The Dashboard provides a bird's eye view of all open jobs, so that you have a complete picture of your company's activity.

Instantly see all key data—such as client company, hiring manager, primary recruiter—for all open positions.

See significant figures displayed as well: like, the total openings, maximum submittals allowed, externally rejected candidates, interviews scheduled, and hires.

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Jobs Dashboard

JobDiva
Powerful Staffing Tools

Jobs Dashboard

Introduction

1. Drive Your Day with a Dashboard View of Your Jobs
2. Take in All Open Jobs at a Glance
- 3. Travel Directly to Priority Items**
4. View Dashboards at Individual, Division, or Group Level

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3. Travel Directly to Priority Items

Some data on the Dashboard functions as links.

This way, if you see an item you need to know more about, just click on it to travel to the relevant screen.

For example, if you see a job that hasn't received sufficient response yet from your team, just click on it to go directly to that Job screen and view all related activity.

Jobs Dashboard

JobDIVA
Powerful Staffing Tools

4. View Dashboards at Individual, Division, or Group Level

Produce as comprehensive or as focused dashboards as you need.

Bring up the dashboard for company divisions for a complete overview, create group lists to view open jobs by teams, or take a close-up look at any individual user's dashboard.

Jobs Dashboard

Introduction

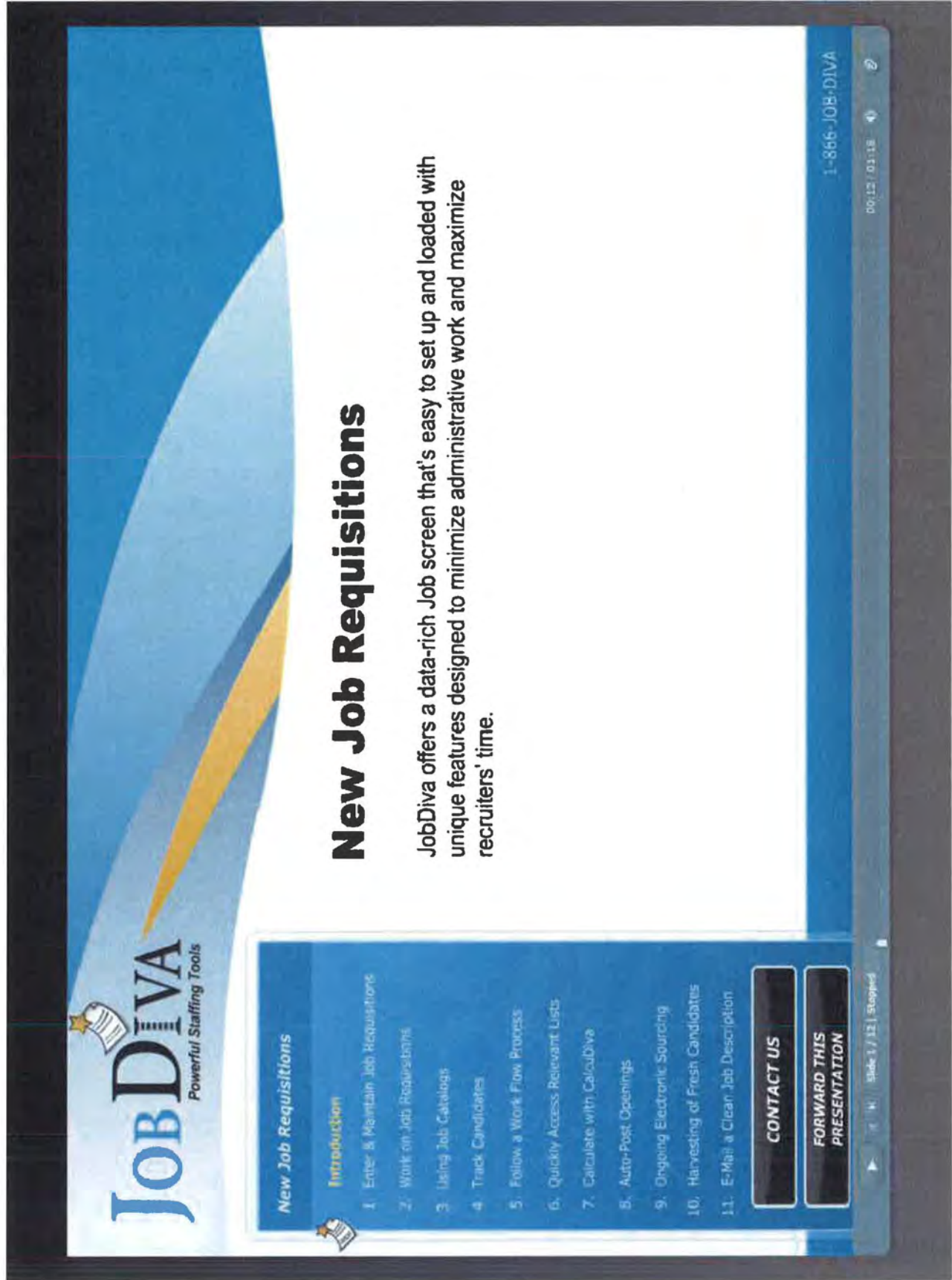
1. Drive Your Day with a Dashboard View of Your Jobs
2. Take in All Open Jobs at a Glance
3. Travel Directly to Priority Items
- 4. View Dashboards at Individual, Division, or Group Level**

CONTACT US

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Slide 3 / 5 | Stopped



The image shows a presentation slide for JobDiva's 'New Job Requisitions' feature. The slide has a blue and white background with a yellow lightning bolt graphic. The JobDiva logo is in the top left corner, with the tagline 'Powerful Staffing Tools'. The main title 'New Job Requisitions' is in large, bold, black text. Below the title, a paragraph states: 'JobDiva offers a data-rich Job screen that's easy to set up and loaded with unique features designed to minimize administrative work and maximize recruiters' time.' On the left side, there is a list of 11 steps: 1. Enter & Maintain Job Requisitions, 2. Work on Job Requisitions, 3. Using Job Catalogs, 4. Track Candidates, 5. Follow a Work Flow Process, 6. Quickly Access Relevant Lists, 7. Calculate with CalculDiva, 8. Auto-Post Openings, 9. Ongoing Electronic Sourcing, 10. Harvesting of Fresh Candidates, and 11. E-Mail a Clean Job Description. At the bottom left, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The bottom right corner shows the phone number '1-866-JOB-DIVA' and a timestamp '00:12 / 03:18'.

JobDiva
Powerful Staffing Tools

New Job Requisitions

JobDiva offers a data-rich Job screen that's easy to set up and loaded with unique features designed to minimize administrative work and maximize recruiters' time.

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

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00:12 / 03:18

The image shows a presentation slide for JobDiva. The slide has a blue and white background with a yellow swoosh. The JobDiva logo is in the top left corner. The main title is 'New Job Requisitions'. Below the title is a list of five steps, each preceded by a star icon. The steps are: 1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface, 2. Work on Job Requisitions Entered for You by JobDiva's VMS Coddler, 3. Use Optional, Configurable Job Catalogs to Create New Positions Fast, 4. Track Each Candidate from Submittal to Start Date, and 5. Follow an Intuitive, Self-Regulated Work Flow Process. At the bottom of the slide, there is a navigation bar with a list of 11 items, a 'CONTACT US' button, and a 'FORWARD THIS PRESENTATION' button. The navigation bar also includes a 'Slide 1 / 12 | Stopped' indicator.

JobDiva Powerful Staffing Tools

New Job Requisitions

- 1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface
- 2. Work on Job Requisitions Entered for You by JobDiva's VMS Coddler
- 3. Use Optional, Configurable Job Catalogs to Create New Positions Fast
- 4. Track Each Candidate from Submittal to Start Date
- 5. Follow an Intuitive, Self-Regulated Work Flow Process

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1. Introduction
2. Enter & Maintain Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDiva
8. Auto-Post Offerings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US
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The image shows a presentation slide for JobDiva, a staffing tool. The slide has a blue header with the JobDiva logo and the tagline 'Powerful Staffing Tools'. The main content area is white with a blue sidebar on the left. The sidebar contains a list of 11 steps: 1. Enter & Maintain Job Requisitions, 2. Work on Job Requisitions, 3. Using Job Catalogs, 4. Track Candidates, 5. Follow a Work Flow Process, 6. Quickly Access Relevant Lists, 7. Calculate with CalculDiVa, 8. Auto-Post Openings, 9. Ongoing Electronic Sourcing, 10. Harvesting of Fresh Candidates, and 11. E-Mail a Clean Job Description. The main content area features the title 'New Job Requisitions' and a list of five bullet points, each preceded by a star icon. The bottom of the slide has a blue footer with two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The top right corner of the slide displays the phone number '1-866-JOB-DIVA' and the date '0031/0118'.

JobDiva
Powerful Staffing Tools

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalculDiVa
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

New Job Requisitions

- ★ 6. Quickly Access Relevant Lists for Each Job
- ★ Matching Candidates
- ★ Candidates Contacted via E-Mail Merge
- ★ Candidates Expressing Interest in Response to E-Mail Merge
- ★ Candidates Applying through Advertisement of the Job

CONTACT US

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JobDiva
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

New Job Requisitions

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcuDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

7. Instantly Calculate Margins, Cost and More with CalcuDiva
8. Auto-Post Openings To Job Boards and Your Own Portal
9. Benefit from Ongoing Electronic Sourcing of Candidates
10. Prompt Harvesting of Fresh Candidates from Job Boards
11. E-Mail a Job Description—automatically cleansed of sensitive details—to a Potential Candidate or Recruiter with One Click

CONTACT US

FORWARD THIS PRESENTATION

Slide 1 / 12 | Skipped

1-866-JOB-DIVA



The image shows a presentation slide for JobDiva's 'New Job Requisitions' feature. The slide has a blue and white background with a stylized graphic of a person holding a magnifying glass. The JobDiva logo is in the top left corner, with the tagline 'Powerful Staffing Tools'. The main heading is 'New Job Requisitions'. Below this, the primary message is '1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface'. To the right of this message are three bullet points, each preceded by a yellow star icon: 'See Extensive Job Information on a Single Screen', 'Peruse Submittal Activity and Candidate Status', and 'Take Advantage the Many Accessible Features'. At the bottom of the slide is a navigation bar with a list of 11 items, where the first item, '1. Enter & Maintain Job Requisitions', is highlighted in yellow. The navigation bar also includes two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. In the bottom right corner, there is a status bar showing 'Slide 2 / 12 | Stopped' and a phone number '1-866-JOB-DIVA'.

JobDiva
Powerful Staffing Tools

New Job Requisitions

1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface

- ★ See Extensive Job Information on a Single Screen
- ★ Peruse Submittal Activity and Candidate Status
- ★ Take Advantage the Many Accessible Features

1. Enter & Maintain Job Requisitions

2. Work on Job Requisitions

3. Using Job Catalogs

4. Track Candidates

5. Follow a Work Flow Process

6. Quickly Access Relevant Lists

7. Calculate with CalculDiva

8. Auto-Post Openings

9. Ongoing Electronic Sourcing

10. Harvesting of Fresh Candidates

11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

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1-866-JOB-DIVA

JobDIVA
Powerful Staffing Tools

New Job Requisitions

1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface

The Job screen within JobDiva offers a clear window into positions.

Take in at a glance: the hiring manager and company, the worksite's location, length of assignment, the acceptable ranges of bill and pay rates, number of openings and placements, required actions such as travel, drug tests, background checks, and much more.

Navigation Menu:

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcuDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

Buttons: CONTACT US, FORWARD THIS PRESENTATION

Footer: 1-866-JOB-DIVA, 00:23 / 01:18, Slide 2 / 12 | Stopped



JobDIVA
Powerful Staffing Tools

New Job Requisitions

1. Enter and Maintain Job Requisitions through a Simple Data-Rich Interface

You'll also be able to peruse records of sourcing and submittal activity: see the candidates who have responded to E-Mail merges for that assignment, as well as those were submitted with details such as bill and pay rates, interview dates, and start dates.

Meanwhile, the attached notes section will record mail merges and all notes entered on candidates' screens linked to this assignment.

1-866-JOB-DIVA
00:50 / 01:18

New Job Requisitions

Introduction

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work-Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcuDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

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JobDIVA
Powerful Staffing Tools

New Job Requisitions

2. Work on Job Requisitions Entered Into JobDiva's VMS Coddler

- ★ *Let JobDiva Enter New Jobs For You*
- ★ *See the Data Maintained Automatically*
- ★ *Know Exactly What's Going on With Your Clients*

New Job Requisitions

- 1. Introduction
- 2. Enter & Maintain Job Requisitions
- 3. **2. Work on Job Requisitions**
- 4. Using Job Catalogs
- 5. Track Candidates
- 6. Follow a Work Flow Process
- 7. Quickly Access Relevant Lists
- 8. Calculate with CalculDiva
- 9. Auto-Post Openings
- 10. Ongoing Electronic Sourcing
- 11. Harvesting of Fresh Candidates
- 12. E-Mail a Clean Job Description

CONTACT US

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04/14/01:21

Slide 3 / 12 | Stopped

A0416

JobDiva
Powerful Staffing Tools

New Job Requisitions

2. Work on Job Requisitions Entered Into JobDiva's VMS Coddler

Do your clients use Vendor Management Systems – the secure web portals where approved vendors can log in and see job orders?

Without JobDiva, these portals can be difficult to manage.

Jobs open and close without warning. Changes are made in listed pay rates, start dates, and more.

It used to be that the only way to stay on top of this dynamic information was to have staff checking these windows constantly, but this is a poor allocation of your resources. Let JobDiva help your company manage VMSs better.

1-866-JOB-DIVA
00:46 / 01:21

CONTACT US
FORWARD THIS PRESENTATION

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JobDIVA
Powerful Staffing Tools

New Job Requisitions

2. Work on Job Requisitions Entered Into JobDiva's VMS Coddler

JobDiva is the only Applicant Tracking System that can spider these VMSs for you.

JobDiva will log in to the portal where it can automatically upload jobs into JobDiva.

It will then send E-Mail notifications to relevant staff, alerting them that a job has opened so they can get right to work.

The spider will also update any data or status changes and send out subsequent notifications, so that recruiters and their managers know, for example, as soon as a job's description has changed or that it's gone on hold or been closed.

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01/21/01/21

1-866-JOB-DIVA
01/21/01/21

CONTACT US

FORWARD THIS PRESENTATION

Slide 3 / 12 | Stopped

The image shows a presentation slide for JobDiva, a staffing tool. The slide has a blue header with the JobDiva logo and the text 'Powerful Staffing Tools'. The main title is 'New Job Requisitions'. Below the title is a list of 11 steps: 1. Enter & Maintain Job Requisitions, 2. Work on Job Requisitions, 3. Using Job Catalogs, 4. Track Candidates, 5. Follow a Work-Flow Process, 6. Quickly Access Relevant Lists, 7. Calculate with CalcDiva, 8. Auto-Post Openings, 9. Ongoing Electronic Sourcing, 10. Harvesting of Fresh Candidates, 11. E-Mail a Clean Job Description. Step 3 is highlighted with a star icon. To the right of the list, there are two star icons with the text 'Create Job Screen Template of Common Positions' and 'Save Time Drawing on Stored Data'. At the bottom, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The footer of the slide includes the phone number '1-866-JOB-DIVA', the date '04/11/00:45', and the slide number 'Slide 4 / 12 | Skipped'.

JobDiva
Powerful Staffing Tools

New Job Requisitions

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. **Using Job Catalogs**
4. Track Candidates
5. Follow a Work-Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

★ Create Job Screen Template of Common Positions
★ Save Time Drawing on Stored Data

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JobDiva
Powerful Staffing Tools

New Job Requisitions

3. Use Optional, Configurable Job Catalogs to Create New Positions Fast

Your company can create a job catalogue within JobDiva. If you frequently recruit for the same type of positions, with similar titles, descriptions and pay rates, it's simple to configure those characteristics into a job catalogue.

Afterwards, recruiters can click into the catalogue from the Job screen. Selecting a listed job will populate the screen with the relevant stored data. Further manual editing can be done at any point, too.

This is one of the many short-cuts JobDiva has developed to make entering a new job quick and easy.

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00:46 / 00:45

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs**
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalcuDiv
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

Slide 9 / 11 | Stopped

The screenshot shows a presentation slide for JobDiva. The top left features the JobDiva logo with the tagline 'Powerful Staffing Tools'. The main title is 'New Job Requisitions'. Below the title is a list of 11 steps: 1. Introduction, 2. Enter & Maintain Job Requisitions, 3. Work on Job Requisitions, 4. Track Candidates (highlighted with a star icon), 5. Follow a Work Flow Process, 6. Quickly Access Relevant Lists, 7. Calculate with CalculDiva, 8. Auto-Post Openings, 9. Ongoing Electronic Sourcing, 10. Harvesting of Fresh Candidates, and 11. E-Mail a Clean Job Description. To the right of the list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. At the bottom right, there is a phone number '1-866-JOB-DIVA' and a date/time stamp '04/10/2014 00:47'.

JobDiva
Powerful Staffing Tools

New Job Requisitions

1. Introduction
2. Enter & Maintain Job Requisitions
3. Work on Job Requisitions
4. **Track Candidates**
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US
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JobDIVA
Powerful Staffing Tools

New Job Requisitions

4. Track Each Candidate from Submittal to Start Date

JobDiva's Job screen offers a portal into all related candidate activity.

This puts a file of all candidates submitted, labeled with their submittal, interview and start dates, in plain view on the Job page.

It will also note which recruiter submitted the candidate and to which hiring manager. Plus, the pay and bill rates also be displayed.

1-866-JOB-DIVA

00:31 / 00:47

New Job Requisitions

Introduction

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
- 4. Track Candidates**
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcuDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

slide 3 / 12 | stopped

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JobDiva
Powerful Staffing Tools

New Job Requisitions

4. Track Each Candidate from Submittal to Start Date

The records on the Job screen are linked with candidate records.

Any change in data on one screen will be automatically updated on the other screen to reduce time spent on data entry.

This data also contributes to JobDiva's metrics for elaborate reporting.

New Job Requisitions

Introduction

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
- 4. Track Candidates**
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

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00:47 / 00:47

JobDiva
Powerful Staffing Tools

New Job Requisitions

5. Follow an Intuitive, Self-Regulated Workflow

- ★ *Don't Get Bugged Down—Flow Faster*
- ★ *Let JobDiva Perform Tedious Data Entry and Record Keeping*
- ★ *Free Recruiters' Time for Higher-Level Tasks*

New Job Requisitions

- Introduction
- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process**
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalcuDiva
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

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00:13 / 00:53

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JobDiva
Powerful Staffing Tools

New Job Requisitions

5. Follow an Intuitive, Self-Regulated Workflow

JobDiva has automated much of the standard workflow process.

Recruiters should be able to speed along from search, screening, verification, qualification and negotiation to submittal without an excess of tedious data entry to slow their pace.

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process**
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalcuDiva
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

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JobDiva
Powerful Staffing Tools

New Job Requisitions

5. Follow an Intuitive, Self-Regulated Workflow

Each part of JobDiva's event-driven process flows naturally to the next: set up job criteria, launch a search, screen candidates, apply your company qualifying process and submit candidates.

Let JobDiva perform the mundane administrative tasks and data maintenance, and let your recruiters focus on candidate qualification and negotiation.

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process**
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalculDiva
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

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JobDiva
Powerful Staffing Tools

New Job Requisitions

1. Introduction
2. Enter & Maintain Job Requisitions
3. Work on Job Requisitions
4. Using Job Catalogs
5. Track Candidates
6. **Follow a Work Flow Process**
7. **Quickly Access Relevant Lists**
8. Calculate with JobDiva
9. Auto-Post Openings
10. Ongoing Electronic Sourcing
11. Harvesting of Fresh Candidates
12. E-Mail a Clean Job Description

6. Quickly Access Relevant Lists for Each Job

- ★ Matching Candidates
- ★ Candidates Contacted via E-Mail Merge
- ★ Candidates Expressing Interest in Response to E-Mail Merge
- ★ Candidates Applying Through Advertisement of the Job

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JobDIVA
Powerful Staffing Tools

New Job Requisitions

6. Quickly Access Relevant Lists for Each Job

JobDiva's Job screen is designed to give you the maximum amount of useful information in the most legible manner possible.

That's why we've embedded lists of relevant candidates throughout the screen.

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. **Quickly Access Relevant Lists**
- 7. Calculate with CalculDiva
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

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00:28 / 00:55

JobDIVA
Powerful Staffing Tools

New Job Requisitions

6. Quickly Access Relevant Lists for Each Job

Click on an icon next to the E-Mail merge to see all candidates who have received an E-Mail regarding this position.

Click on an inbox icon to see all applicants who have applied to the position through Internet postings.

Click an icon of a raised hand to see all those who have responded favorably to the mail merge.

Or simply run JobDiva's exceptional search engine straight from the Job page to generate pre-screened candidates for you to qualify.

CONTACT US

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Slide 2 / 12 | Stopped

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists**
- 7. Calculate with CalcuDiva
- 8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

JobDiva
Powerful Staffing Tools

New Job Requisitions

7. Instantly Calculate Margins, Cost and More with CalcuDiva™

- ★ *Know Your Numbers Immediately*
- ★ *Rapidly Calculate Margins*
- ★ *Factor in Discounts and Cost Mark-Ups*

New Job Requisitions

1. Introduction
2. Enter & Maintain Job Requisitions
3. Work on Job Requisitions
4. Using Job Catalogs
5. Track Candidates
6. Follow a Work Flow Process
7. **Calculate with CalcuDiva**
8. Quickly Access Relevant Lists
9. Auto-Post Openings
10. Ongoing Electronic Sourcing
11. Harvesting of Fresh Candidates
12. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

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00:11 / 00:33

JobDIVA
Powerful Staffing Tools

New Job Requisitions

7. Instantly Calculate Margins, Cost and More with CalcuDiva™

CalcuDiva™ is a powerful but easy-to-use tool. With its patent-pending technology, this feature will empower you and your staff with instant estimates.

Calculate margins in less than a second. Automatically factor in pre-set discounts and overheads. Generate specific mark-ups needed for various categories of workers.

CONTACT US

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00:33 / 00:33

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New Job Requisitions

- 1. Introduction
- 2. Enter & Maintain Job Requisitions
- 3. Work on Job Requisitions
- 4. Using Job Catalogs
- 5. Track Candidates
- 6. Follow a Work Flow Process
- 7. Quickly Access Relevant Lists
- 8. **Calculate with CalcuDiva**
- 9. Auto-Post Openings
- 10. Ongoing Electronic Sourcing
- 11. Harvesting of Fresh Candidates
- 12. E-Mail a Clean Job Description

JobDIVA
Powerful Staffing Tools

New Job Requisitions

8. Auto-Post Openings To Job Boards and Your Own Company's Web Site

- ★ Easily Post Open Jobs
- ★ Create a Jobs Portal on Your Own Site -- Hosted by JobDiva

New Job Requisitions

- Introduction
- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalcuDiva
- 8. **Auto-Post Openings**
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

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JobDiva
Powerful Staffing Tools

New Job Requisitions

8. Auto-Post Openings To Job Boards and Your Own Company's Web Site

JobDiva makes advertising positions on job boards as simple as one click within the system.

JobDiva also advertises your selected jobs on your own website.

At no additional cost, we'll enrich your company's website with a job portal.

There, candidates can search for positions, run searches against their resume for matching openings, and apply directly online.

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00:25 / 00:25

New Job Requisitions

- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalculDiva
- 8. Auto-Post Openings**
- 9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates
- 11. E-Mail a Clean Job Description

CONTACT US

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JobDIVA
Powerful Staffing Tools

New Job Requisitions

9. Benefit from Ongoing Electronic Sourcing of Candidates

- ★ *Never Search From Scratch*
- ★ *Run Harvesters off of Jobs or 'Evergreen' Criteria*

New Job Requisitions

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcuDiv
8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing**
10. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

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00:11 / 00:43

JobDIVA
Powerful Staffing Tools

New Job Requisitions

9. Benefit from Ongoing Electronic Sourcing of Candidates

When you first open a job and launch a search in JobDiva, you aren't searching from scratch.

JobDiva's harvesters have built your company an extensive database of potential candidates who matched prior jobs.

The harvesters are constantly sourcing from job boards. They'll be searching based on your specific criteria of all jobs.

They'll also be searching based on 'evergreen criteria' – criteria not associated with an open job but instead skills that recruiting managers have set as always relevant to your staffing needs.

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00:43 / 00:43

New Job Requisitions

Introduction

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDiva
8. Auto-Post Openings
- 9. Ongoing Electronic Sourcing**
10. Harvesting of Fresh Candidates
11. E-Mail a Clear Job Description

CONTACT US

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JobDiva
Powerful Staffing Tools

New Job Requisitions

10. Prompt Harvesting of Fresh Candidates from Job Boards

- ★ *Effortlessly Prompt Harvesting*
- ★ *Collect Matching Resumes*
- ★ *Let JobDiva Create the Candidate Files for You*

New Job Requisitions

- Introduction
- 1. Enter & Maintain Job Requisitions
- 2. Work on Job Requisitions
- 3. Using Job Catalogs
- 4. Track Candidates
- 5. Follow a Work Flow Process
- 6. Quickly Access Relevant Lists
- 7. Calculate with CalcuDiva
- 8. Auto-Post Openings
- 9. Digging Electronic Sourcing
- 10. Harvesting of Fresh Candidates**
- 11. E-Mail a Clean Job Description

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00:11 / 00:29

A0436

JobDIVVA
Powerful Staffing Tools

New Job Requisitions

10. Prompt Harvesting of Fresh Candidates from Job Boards

Just by saving criteria for a job, you will prompt harvesters to travel out to the job boards and search for matching resumes.

JobDivva will then parse these resumes into client files and add them to your database – all without you lifting a finger.

New Job Requisitions

Introduction:

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalog
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalculDivva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
- 10. Harvesting of Fresh Candidates**
11. E-Mail a Clean Job Description

CONTACT US

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04/29 / 00:29

JobDIVA
Powerful Staffing Tools

New Job Requisitions

11. E-Mail a Job Description —automatically cleansed of sensitive details — to a Potential Candidate or Recruiter with One Click

- ★ *Generate Cleansed E-Mails in One Click*
- ★ *Automatically Import Job Description and Location*
- ★ *Simply and Safely Distribute the Job Opening*

New Job Requisitions

1. Enter & Maintain Job Requisitions
2. Work on Job Requisitions
3. Using Job Catalogs
4. Track Candidates
5. Follow a Work Flow Process
6. Quickly Access Relevant Lists
7. Calculate with CalcDiva
8. Auto-Post Openings
9. Ongoing Electronic Sourcing
10. Harvesting of Fresh Candidates
11. **E-Mail a Clean Job Description**

CONTACT US

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JobDiva
Powerful Staffing Tools

New Job Requisitions

11. E-Mail a Job Description —automatically cleansed of sensitive details — to a Potential Candidate or Recruiter with One Click

With one click, an E-Mail can be generated from the Job screen.

It will automatically be cleansed of all sensitive details – such as the hiring company and manager's name, but it will include the job description and title.

This makes distributing the opening via E-Mail simple and safe.

New Job Requisitions

1. Introduction
2. Enter & Maintain Job Requisitions
3. Work on Job Requisitions
4. Using Job Catalogs
5. Track Candidates
6. Follow a Work Flow Process
7. Quickly Access Relevant Lists
8. Calculate with CalcDiva
9. Auto-Post Offerings
10. Ongoing Electronic Sourcing
11. Harvesting of Fresh Candidates
11. E-Mail a Clean Job Description

CONTACT US

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EXHIBIT A

Part 2 of 2



For more detailed information, please click on the chapters.

Flexible / Per Diem Staffing

1. Manage Workers Schedules and Assignments from Calendar
2. Record and Store Licenses & Certifications on a Candidate's Page
3. Set Alerts and Generate Reports for Expiring Licenses & Certifications
4. Quickly Create Submittal Packages, Bundling Resumes with Other Relevant Documents
5. Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars
6. Allow Candidates to Check Their Calendars and Set Unavailability

And more...

CONTACT US

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Flexible / Per Diem Staffing

JobDIVA
Powerful Staffing Tools

2. Record and Store Licenses & Certifications on a Candidate's Page

- ★ **Upload and Store Documents Easily**
- ★ **Configure Licenses & Certifications Lists that Fit Your Practice**
- ★ **Allow Candidates to Upload Their Documents to Their Profile**

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
2. **Record and Store Licenses & Certifications on Candidates Page**
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. Create Submittal Packages
5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00:15 / 01:18

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

2. Record and Store Licenses & Certifications on a Candidate's Page

Every candidate page in JobDiva is outfitted with a clear and precise Licenses and Certifications file, making it simple to manage a candidate's qualifications.

Here, you can select what qualifications they have, record the license numbers and state where they were obtained, and enter expiration dates.

You can also attach relevant documents, such as scanned copies of their license, in whatever format – PDF, Word, etc.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
00:43 / 01:18

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

2. Record and Store Licenses & Certifications on a Candidate's Page

JobDiva will provide a set with a default list of qualifications common to your industry whether it is healthcare, industrial or otherwise, but the list of licenses and certifications are totally configurable by users.

Candidates themselves can also upload requested documents, such as copies of certificates and licenses for your approval by visiting your website.

JobDiva will host a secure profile for each candidate – separate from their internal candidate page – where they can upload documents, as well as search jobs, monitor their calendar, and more.

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
- 2. Record and Store Licenses & Certifications on Candidate's Page**
3. Set Alerts and Generate Reports For Expired Licenses/Certifications
4. Create Submittal Packages
5. Manage Shifts, Employees, Jobs & Facilities With Flexible Calendars
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

04/15/2014

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

3. Set Alerts and Generate Reports for Expiring Licenses & Certifications

- ★ Stay On Top of Worker Eligibility
- ★ Set Alarms for Individual Candidates
- ★ Run Reports on all Qualifications Set to Expire

Introduction

1. Manage Schedules & Assignments
2. Record and Store Licenses & Certifications on Candidates Page
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. Create Submittal Packages
5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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Slide 4 / 7 | Stopped

1-866-JOB-DIVA

00:12 / 00:36

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

3. Set Alerts and Generate Reports for Expiring Licenses & Certifications

JobDiva makes maintaining employment eligibility and documentation effortless.

Users can opt in to receive daily email alerts and see pop-up alarms for active employees whose licenses or certificates are about to expire or whose have already expired.

Users can also run reports on all the candidates whose qualifications are set to expire over a certain period.

Flexible / Per Diem Staffing

- 1. Introduction
- 2. Record and Store Licenses & Certifications on Candidates Page
- 3. **Set Alerts and Generate Reports For Expiring Licenses/Certifications**
- 4. Create Submittal Packages
- 5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
- 6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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1-866-JOB-DIVA
00:34 / 00:35

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

4. Quickly Create Submittal Packages, Bundling Resumes with Other Relevant Documents

- ★ *Easily Create Submittal Packages*
- ★ *Take Advantage of Preformatted Emails*
- ★ *Use JobDiva's Rich Text capabilities*

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
2. Record and Store Licenses & Certifications on Candidates Page
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. **Create Submittal Packages**
5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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1-866-JOB-DIVA
00:13 / 01:01

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

4. Quickly Create Submittal Packages, Bundling Resumes with Other Relevant Documents

Creating a bundled submittal – with resume and required documentation – is a cinch with JobDiva.

With just a few clicks, JobDiva will generate a pre-formatted email to an internal manager or external hiring manager and will automatically attach the candidate's resume.

Recruiters will be given the option to attach additional documents as well, such as copies of licenses and certificates, scanned IDs, proof of insurance, etc.

Flexible / Per Diem Staffing

- 1. Introduction
- 2. Manage Schedule & Assignments
- 3. Record and Store Licenses & Certifications on Candidates Page
- 4. **Create Submittal Packages**
- 5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
- 6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
04/29/2014 11:01 AM

Flexible / Per Diem Staffing

JobDiva
Powerful Staffing Tools

4. Quickly Create Submittal Packages, Bundling Resumes with Other Relevant Documents

A similar email can be sent out to the candidate, with a template informing them they've been submitted to this role. It will automatically import the description and the location of the job into the body of the email. Any other information can be added, too.

All email templates in JobDiva are Rich Text and wholly configurable.

Flexible / Per Diem Staffing

- Introduction
- Manage Schedules & Assignments
- Review and Store Licenses & Certifications on Candidates Page
- Set Alerts and Generate Reports For Existing Licenses/Certifications
- Create Submittal Packages**
- Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
- Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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1-866-JOB-DIVA
00:55 / 01:01

JobDiva Powerful Staffing Tools

Flexible / Per Diem Staffing

5. Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars

- ★ See Multiple Data and Time Elements Simultaneously
- ★ Customize Shifts for Facilities
- ★ Drag & Drop for Easy Schedule Changes

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
2. Record and Store Licenses & Certifications on Candidates Page
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. Create Submittal Packages
5. **Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars**
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00115 / 00:47

Slide 6 / 7 | Stopped

JobDiva
Powerful Staffing Tools

Flexible / Per Diem Staffing

5. Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars

JobDiva offers a layered calendar system that tracks events at the candidate, job and facility levels simultaneously.

You can choose to view multiple layers at once or select which elements you want to appear with just an on-page click.

Flexible / Per Diem Staffing

- 1. Introduction
- 2. Manage Schedules & Assignments
- 3. Record and Store Licenses & Certifications on Candidates Page
- 4. Set Alerts and Generate Reports For Expiring Licenses/Certifications
- 5. Create Submittal Packages
- 5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars**
- 6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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00:23 / 00:47

Flexible / Per Diem Staffing

JobDIVA
Powerful Staffing Tools

5. Manage Shifts, Employees, Jobs and Facilities with Flexible, Layered Calendars

JobDiva also allows you to customize shifts for facilities.

You can then assign candidates to these shifts and see clearly what openings remain to be filled.

Any assignments can be further edited with user-friendly graphic tools. Just drag and drop shifts to switch times.

Flexible / Per Diem Staffing

1-866-JOB-DIVA

00:44 / 00:47

CONTACT US

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JobDiva Powerful Staffing Tools

Flexible / Per Diem Staffing

6. Allow Candidates to Check Their Calendars and Set Unavailability

- ★ Empower Candidates to Stay on Top of Their Assignments
- ★ Let Candidates Record Their own Unavailability

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
2. Record and Store Licenses & Certifications on Candidates Page
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. Create Submittal Packages
5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
6. Allow Candidates to Check Calendars and Set Unavailability

CONTACT US

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00:11 / 00:41
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Flexible / Per Diem Staffing

JobDIVA
Powerful Staffing Tools

Flexible / Per Diem Staffing

Introduction

1. Manage Schedules & Assignments
2. Record and Store Licenses & Certifications on Candidates Page
3. Set Alerts and Generate Reports For Expiring Licenses/Certifications
4. Create Submittal Packages
5. Manage Shifts, Employees, Jobs & Facilities with Flexible Calendars
- 6. Allow Candidates to Check Calendars and Set Unavailability**

CONTACT US

FORWARD THIS PRESENTATION

6. Allow Candidates to Check Their Calendars and Set Unavailability

Candidates can keep track of their assignments by visiting your website and logging onto their secure profile which will be hosted by JobDiva's portal on your website.

(This profile will be separate from their profile that is maintained by your staff and is not accessible to the candidate.)

From their profile, they can see what hours they're working and at what location.

From this candidate portal, they can even mark themselves unavailable or available for certain times, days or for an extended duration.

1-866-JOB-DIVA

00:37 / 00:41

Slide 2 / 7 | Stopped



The image shows a presentation slide for JobDiva's Resume Harvesting service. The slide has a blue and white background with a yellow lightning bolt graphic. The JobDiva logo is in the top left corner. The main heading is 'Resume Harvesting' in a large, bold, black font. Below the heading is a paragraph: 'Don't work for your data. Your data should be working for you. Let JobDiva's harvesters run silently in the background to create a rich database of candidates for your company to draw upon.' In the bottom left corner, there is a small inset box titled 'Resume Harvesting Introduction' with a list of five steps: 1. Shrink Sourcing Workflow Down to a Click, 2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria, 3. Sleep Well Knowing That JobDiva Harvester Are Always Working, 4. Use Job Board IDs in the Most Effective Manner, and 5. Intelligently, Automatically Create an Extensive Database of Candidates. In the bottom right corner, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The bottom of the slide features a blue bar with the phone number '1-866-JOB-DIVA' and a small icon of a person.

JobDiva
Powerful Staffing Tools

Resume Harvesting

Don't work for your data. Your data should be working for you.

Let JobDiva's harvesters run silently in the background to create a rich database of candidates for your company to draw upon.

Resume Harvesting Introduction

1. Shrink Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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JOB DIVA
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Resume Harvesting

- ★ 1. Shrink Sourcing Workflow Down to a Click
- ★ 2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- ★ 3. Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week
- ★ 4. Use Job Board IDs in the Most Effective Manner
- ★ 5. Intelligently, Automatically Create an Extensive Database of Candidates

Resume Harvesting

Introduction

- 1. Shrink Sourcing Workflow Down to a Click
- 2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
- 3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
- 4. Use Job Board IDs in the Most Effective Manner
- 5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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1-866-JOB-DIVA

00:36 / 00:38

Slide 1 / 6 | Stopped



Resume Harvesting

JobDIVA
Powerful Staffing Tools

1. Shrink Sourcing Workflow Down to a Click

More than any other Applicant Tracking System, JobDiva automates hunting, sourcing, data maintenance and the other tedious aspects of the recruiting workflow, so that your recruiters won't even notice that there is a workflow.

They can now focus exclusively on the industry's most important activity: speaking to the most suitable candidates, whom JobDiva's searches produce quickly and in abundance, so that they can beat the competition again and again.

That is the JobDiva advantage.

CONTACT US

FORWARD THIS PRESENTATION

Resume Harvesting

Introduction:

1. Shrink Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

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1-866-JOB-DIVA

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Resume Harvesting

JobDIVA
Powerful Staffing Tools

2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria

- ★ Automatically Prompt Harvesting
- ★ Let JobDiva Take Over Tedious Data Entry
- ★ Just Click for an Instant List of Matching Candidates

Resume Harvesting

Introduction

1. Simple Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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00:12 / 00:34

Slide 3 / 6 | Stopped

Resume Harvesting

JobDiva
Powerful Staffing Tools

2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria

As part of their regular workflow and search of the company database, recruiters list skills needed for a particular job.

JobDiva's harvesters scrape resumes which meet that set criteria.

JobDiva then parses the resumes and automatically sets up searchable electronic candidate files.

Resume Harvesting

Introduction

1. Streamline Sourcing Workflow: Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

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00:29 / 00:34

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Resume Harvesting

JobDIVA
Powerful Staffing Tools

2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria

- JobDiva replaces a tedious manual search, data entry and maintenance process.
- It also replaces manual sourcing and other sourcing processes.
- And all recruiters need to know is that one click on the job page generates an instant lists of matching candidates that were scraped for that job's criteria or other overlapping criteria.

Resume Harvesting

Introduction

1. Simple Sourcing. Work Know Down to a Click.
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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1-866-JOB-DIVA

Slide 3 / 5 | Stopped

Resume Harvesting

3. Sleep Well Knowing That JobDiva Harvesters Are Working Silently in the Background for You 24 Hours a Day, 7 Days a Week

Twenty four hours a day, seven days a week JobDiva's harvesters will be working silently in the background.

Don't wait for sourcers to troll the Internet for resumes.

Don't mismanage recruiters' time by making them manually upload resumes into your system.

Resume Harvesting

Introduction

1. Silent Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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1-866-JOB-DIVA

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Resume Harvesting

JobDiva Powerful Staffing Tools

4. Use Job Board IDs in the Most Effective Manner

- ★ *Make the Best Use of Job Board IDs*
- ★ *Aggregate Company Knowledge of Candidates*
- ★ *Don't Waste Views*
- ★ *Monitor Each Job Boards' Usefulness*

Resume Harvesting

Introduction

1. Streamline Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. **Use Job Board IDs in the Most Effective Manner**
5. Intelligently, Automatically Create an Extensive Database of Candidates

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Resume Harvesting

JobDIVA
Powerful Staffing Tools

4. Use Job Board IDs in the Most Effective Manner

Does your company use job boards to find candidates?

JobDiva's harvesters can manage your job board IDs for you in the most effective manner while also building your company a formidable database of qualified professionals.

JobDiva can also enable you to broaden and shift your subscription to jobs boards without burdening your pocket or your recruiters.

Resume Harvesting

Introduction

1. Streamline Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
- 4. Use Job Board IDs in the Most Effective Manner**
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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Resume Harvesting

JobDiva
Powerful Staffing Tools

4. Use Job Board IDs in the Most Effective Manner

This model makes the best use of job board subscriptions.

Recruiters no longer are forced to wade into the Internet's broad body of resumes for each new requirement.

That method inevitably results in repeat views of the same candidate, many times, on more than one job board. Additionally, looking at each resume in isolation on a job board fails to aggregate your colleagues' knowledge of a candidate.

Resume Harvesting

Introduction

1. Shrink Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

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Resume Harvesting

JobDIVA
Powerful Staffing Tools

4. Use Job Board IDs in the Most Effective Manner

Using JobDiva, your recruiters will easily be able to add notes to a candidate's profile and track all associated activities.

When a new resume for the same candidate is harvested, his record in your database comes to life with aggregated old and new information.

How valuable would it be for you to know immediately that a mediocre resume might be the resume of a perfect candidate who has a great track record with your company?

Resume Harvesting

Introduction

1. Shrink Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvesters Are Always Working
- 4. Use Job Board IDs in the Most Effective Manner**
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

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01:20 / 01:49

Slide 5 / 6 | Skipped

Resume Harvesting

JobDiva
Powerful Staffing Tools

4. Use Job Board IDs in the Most Effective Manner

JobDiva also provides detailed metrics of a job boards' results.

If you're not sure which job board is yielding the best ROI for your company's practice, the reporting tools built into JobDiva will help you analyze each board's efficacy. No more guessing or human bias.

You'll now be able to pick and chose how much you want to invest in a job board based on hard data.

Resume Harvesting

Introduction

1. Spring-Sourcing Workflows Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
- 4. Use Job Board IDs in the Most Effective Manner**
5. Intelligently - Automatically Create an Extensive Database of Candidates

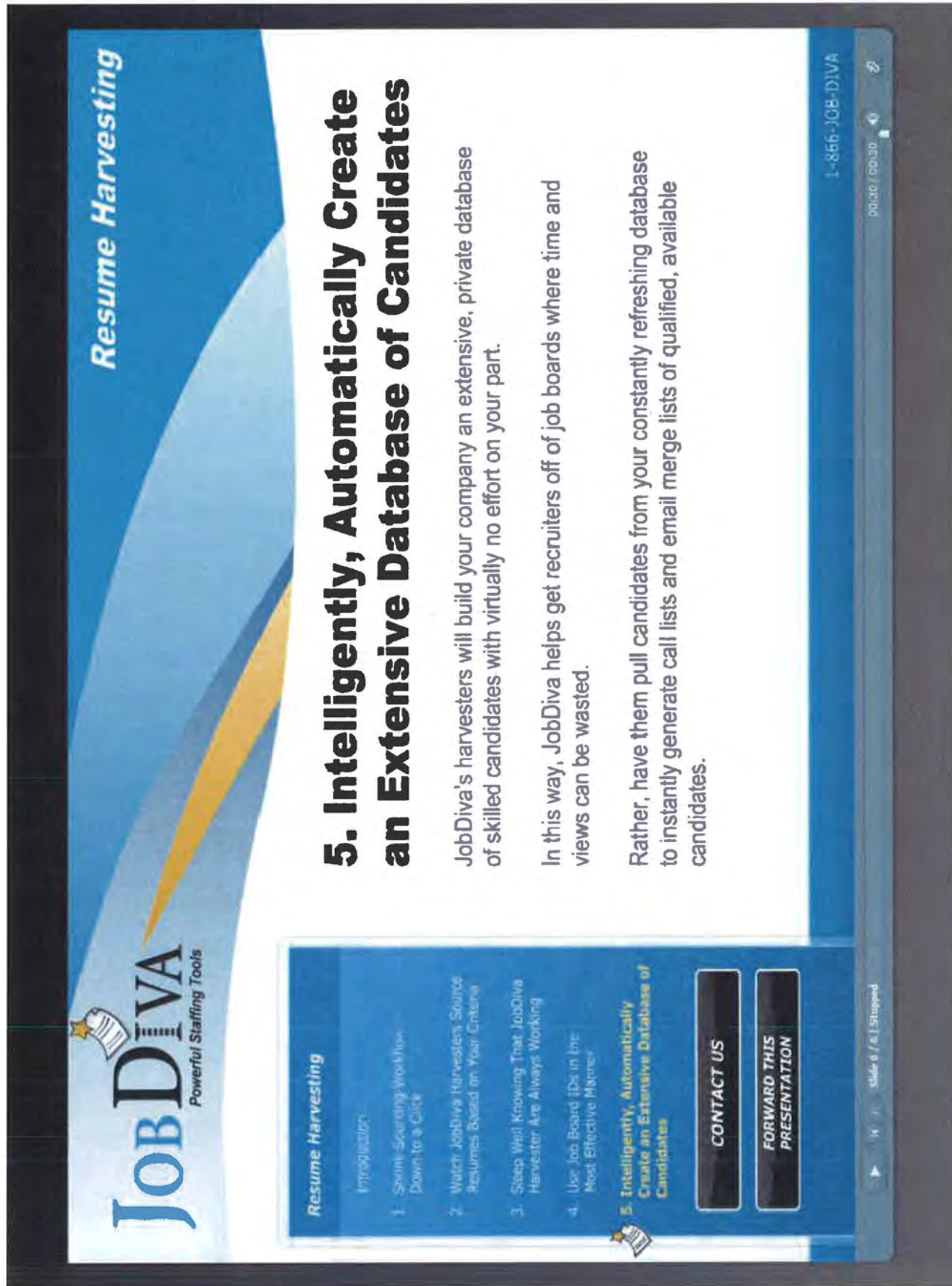
CONTACT US

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31:48 / 01:49

Slide 5 / 6 | Stopped



Resume Harvesting

JobDIVA
Powerful Staffing Tools

5. Intelligently, Automatically Create an Extensive Database of Candidates

JobDiva's harvesters will build your company an extensive, private database of skilled candidates with virtually no effort on your part.

In this way, JobDiva helps get recruiters off of job boards where time and views can be wasted.

Rather, have them pull candidates from your constantly refreshing database to instantly generate call lists and email merge lists of qualified, available candidates.

Resume Harvesting

Introduction:

1. Source Sourcing Workflow Down to a Click
2. Watch JobDiva Harvesters Source Resumes Based on Your Criteria
3. Sleep Well Knowing That JobDiva Harvester Are Always Working
4. Use Job Board IDs in the Most Effective Manner
5. Intelligently, Automatically Create an Extensive Database of Candidates

CONTACT US

FORWARD THIS PRESENTATION

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00:30 / 00:30

Slide 6 / 6 | Stopped



The image shows a presentation slide for JobDiva's SAAS Model. The slide has a blue and yellow background with a large 'JOB DIVA' logo on the left. The main content is titled 'SAAS Model' and includes a list of four benefits: 1. Free from System Maintenance, 2. Access JobDiva from Anywhere, 3. Incubate Your Company from 'Version 1', and 4. Stay Up to Date. Below the list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. To the right of the list, there are three paragraphs of text explaining the SAAS Model. At the bottom right, there is a phone number '1-866-JOB-DIVA' and a timer '00:36 | 00:34'.

JOB DIVA Powerful Staffing Tools

SAAS Model

Introduction

1. Free from System Maintenance
2. Access JobDiva from Anywhere
3. Incubate Your Company from 'Version 1'
4. Stay Up to Date

CONTACT US

FORWARD THIS PRESENTATION

SAAS Model

JobDiva is delivered to your company over the Internet as a service.

You will have more functionality at less operating expenses: no installation fees or software purchases – all you need is an Internet connection to benefit from the most advanced and thorough functionality in the staffing industry.

In JobDiva, your data is private, yet by using JobDiva, you are leveraging decades of experience and shared interests.

While the SaaS Model has helped JobDiva develop extensive functionality available to all clients, configurability leaves your personal imprint on every aspect of your JobDiva system.

1-866-JOB-DIVA

00:36 | 00:34

JOB DIVA
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

SAAS Model

- ★ 1. Free Yourself from Maintaining Hardware and System Software
- ★ 2. Access JobDiva from Anywhere
- ★ 3. Inoculate Your Company from 'Versionitis'
- ★ 4. Stay Up to Date

CONTACT US

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1-866-JOB-DIVA
00:34 / 00:34

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SAAS Model

1. Free Yourself from Maintaining Hardware and System Software

This web-based model – known as Software as a Service (SaaS) – frees you from the responsibility of keeping a system up and running and always available to your users.

For all clients, JobDiva leverages a large two-time replicated infrastructure that is efficient, secure and provides unlimited data storage.

Your database will be stored at three separate platforms in two distant states.

JobDiva has an up time record greater than 99.999 percent. From the user perspective, this simply means years of seamless, steady service.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 3 / 9 | Slideshow

SAAS Model

Introduction

1. Free from System Maintenance

2. Access JobDiva from Anywhere

3. Inoculate Your Company from Viruses

4. Stay Up to Date

The image is a screenshot of a presentation slide. At the top left, the 'JOB DIVA' logo is displayed with the tagline 'Powerful Staffing Tools'. To the right of the logo, the text 'SAAS Model' is written vertically. The main heading of the slide is '2. Access JobDiva from Anywhere'. Below this heading, there are two bullet points, each preceded by a yellow star icon: '★ Reach Your Complete Database from Any Internet Connection' and '★ Don't Overload Your Laptop'. At the bottom of the slide, there is a blue navigation bar containing a list of topics: 'SAAS Model', 'Introduction', '1. Free from System Maintenance', '2. Access JobDiva from Anywhere' (which is highlighted with a yellow star icon), '3. Inoculate Your Company from 'Vendors'', and '4. Stay Up to Date'. To the right of this list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. In the bottom right corner, there is a status bar showing 'Slide 3 / 5 | Stopped' and a phone number '1-866-JOB-DIVA'.

A0473

The image is a screenshot of a presentation slide. At the top left, the 'JOB DIVA' logo is displayed with the tagline 'Powerful Staffing Tools'. To the right of the logo, the text 'SAAS Model' is written vertically. The main heading of the slide is '2. Access JobDiva from Anywhere'. Below this heading, there are two paragraphs of text. The first paragraph states: 'With JobDiva, the total system, including your ever-expanding database of resumes and candidate intelligence, can be accessed from anywhere there's an Internet connection.' The second paragraph states: 'This means no cumbersome software downloaded onto office desktops or laptops - only pure mobility.' At the bottom of the slide, there is a navigation bar with a list of topics: 'Introduction', '1. Free from System Maintenance', '2. Access JobDiva from Anywhere' (which is highlighted), '3. Locate Your Company from Anywhere', and '4. Stay Up to Date'. Below this list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. In the bottom right corner, there is a status bar showing 'Slide 3 / 5 | Stopped' and a phone number '1-866-JOB-DIVA'.

2. Access JobDiva from Anywhere

With JobDiva, the total system, including your ever-expanding database of resumes and candidate intelligence, can be accessed from anywhere there's an Internet connection.

This means no cumbersome software downloaded onto office desktops or laptops - only pure mobility.

The image is a screenshot of a presentation slide. The slide has a blue header with the text 'SAAS Model' on the left and 'JOB DIVA Powerful Staffing Tools' on the right. The main content area is white with a blue sidebar on the left. The sidebar contains a list of topics: 'Introduction', '1. Free from System Maintenance', '2. Access JobDiva from Anywhere', '3. Inoculate Your Company from Versionitis' (highlighted in yellow), and '4. Stay Up to Date'. The main content area features the title '3. Inoculate Your Company from Versionitis' in large, bold, black text. Below the title are two bullet points, each preceded by a yellow star icon: 'Keep Your Code Consistent' and 'Avoid Bugs'. At the bottom of the slide, there are two black buttons with white text: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The bottom of the slide also features a blue footer with the text '1-866-JOB-DIVA' and a small icon.

SAAS Model

JOB DIVA
Powerful Staffing Tools

3. Inoculate Your Company from Versionitis

- ★ Keep Your Code Consistent
- ★ Avoid Bugs

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

A0475

The image is a screenshot of a presentation slide. At the top left, the 'JOB DIVA' logo is displayed with the tagline 'Powerful Staffing Tools'. To the right of the logo, the text 'SAAS Model' is written vertically. The main title of the slide is '3. Inoculate Your Company from Versionitis'. Below the title, there are two paragraphs of text. The first paragraph discusses the term 'Versionitis' and its relation to the SAAS model. The second paragraph explains the problems of using old software and how JobDiva's updates address these issues. At the bottom of the slide, there is a navigation bar with a list of topics: 'SAAS Model', 'Introduction', '1. Free from System Maintenance', '2. Access JobDiva from Anywhere', '3. Inoculate Your Company from Versionitis' (which is highlighted), and '4. Stay Up to Date'. Below this list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. In the bottom right corner, there is a status bar showing '1-866-JOB-DIVA', a timer '00:31 / 01:02', and a progress indicator 'Slide 4 / 5 | Stopped'.

SAAS Model

JOB DIVA
Powerful Staffing Tools

3. Inoculate Your Company from "Versionitis"

'Versionitis.' You may have heard of it. It's a new term for a spreading discomfort.

One of the problems of using old fashioned software—as opposed to a SAAS model such as JobDiva—is that system updates come to you, the user, as versions.

However, if not every single instance of the new code is compatible with the old code, there will be glitches which you'll experience as slowness, error messages and idiosyncrasies.

SAAS Model

Introduction

1. Free from System Maintenance
2. Access JobDiva from Anywhere
3. Inoculate Your Company from "Versionitis"
4. Stay Up to Date

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
00:31 / 01:02
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JobDiva
Powerful Staffing Tools

SAAS Model

3. Inoculate Your Company from "Versionitis"

There's only one version of JobDiva.

When you subscribe to JobDiva, you're working from our master copy – the one our developers are picking over with a fine tooth comb for bugs, the one that supports thousands of users already and has been hewn according to their insightful feedback, the one is constantly refreshing itself with updates and improvements at no additional expense or effort on your part.

1. Free from System Maintenance
2. Access JobDiva from Anywhere
3. Inoculate Your Company from "Versionitis"
4. Stay up to Date

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 4 / 5 | Stopped

SAAS Model

JOB DIVA
Powerful Staffing Tools

3. Stay Up to Date

- ★ **Features and Fixes Appear Instantly**
- ★ **Save Time, Money and Energy**

SAAS Model

Introduction

1. Free from System Maintenance
2. Access JobDiva from Anywhere
3. Inoculate Your Company from "Viruses"
4. Stay Up to Date

CONTACT US

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1-866-JOB-DIVA

Slide 5 / 5 | Slideshow

A0478



The image shows a presentation slide for JobDiva's SAAS Model. The slide has a blue and yellow background with a stylized graphic of a person holding a document. The JobDiva logo is in the top left, and the text 'SAAS Model' is in the top right. The main heading is '3. Stay Up to Date'. Below this, there are three paragraphs of text. At the bottom, there is a navigation bar with a list of topics, two buttons ('CONTACT US' and 'FORWARD THIS PRESENTATION'), and a status bar indicating 'Slide 5 / 5 | Stopped'.

JobDiva
Powerful Staffing Tools

SAAS Model

3. Stay Up to Date

New features or redressed system issues will appear immediately in JobDiva without any effort or cost.

Don't expend time, money or energy wrestling with the technical aspects of an Applicant Tracking System.

If your ATS isn't saving you and your staff time, money and energy, call JobDiva and schedule a demo today.

SAAS Model

- Introduction
- 1. Free from System Maintenance
- 2. Access JobDiva from Anywhere
- 3. Inductate Your Company from 'versions'
- 4. Stay Up to Date**

CONTACT US

FORWARD THIS PRESENTATION

Slide 5 / 5 | Stopped

1-866-JOB-DIVA

The image shows a presentation slide for JobDiva. The slide has a blue background with a yellow and white graphic on the left. The JobDiva logo is at the top left, with the tagline 'Powerful Staffing Tools'. The main title is 'Searching for Qualified Candidates'. Below the title, there is a list of three points: 1. Search Resumes with Boolean Logic, 2. Search Resumes for Synonyms & Impositions, and 3. Combine the Above Searches with Traditional Filters. To the right of the list are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. At the bottom right, there is a phone number '1-866-JOB-DIVA' and a timer '00:30 / 00:52'. The slide is part of a presentation, as indicated by the 'Slide 1 / 4' and 'Stopped' text at the bottom right.

JobDiva

Powerful Staffing Tools

Searching for Qualified Candidates

Introduction

1. Search Resumes with Boolean Logic
2. Search Resumes for Synonyms & Impositions
3. Combine the Above Searches with Traditional Filters

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00:30 / 00:52

Slide 1 / 4 | Stopped

Searching for Qualified Candidates

JobDiva has the most effective search engine on the market.

Free your recruiters from the inefficiency of reading through superfluous resumes to get to the first possible fit, and see the positive effects ripple throughout your practice:

Your staff will be happier to get better search results.

Clients will be pleased by the quick turnaround.

Candidates will gain respect for your focused process.

And you will be glad to see your SG&A drop as cost per submittal declines.

JobDIVA
Powerful Staffing Tools

For more detailed information,
please click on the chapters.

Searching for Qualified Candidates

- ★ 1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience
- ★ 2. Search Resumes for Synonyms and Implications within the Context of Experience
- ★ 3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

Introduction

- 1. Search Resumes with Boolean Logic
- 2. Search Resumes for Synonyms & Implications
- 3. Combine the Above Searches with Traditional Filters

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00:51 / 00:52

Slide 1 / 4 | Stopped

JOB DIVA
Powerful Staffing Tools

Searching for Qualified Candidates

1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience

- ★ Search by Years of Experience
- ★ Utilize Boolean Logic
- ★ Find Exactly the Right People

Introduction:

1. Search Resumes with Boolean Logic
2. Search Resumes for Synonyms & Implications
3. Combine the Above Searches with Traditional Filters

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

00:12 / 02:08

Slide 2 / 4 | Stopped

JobDiva
Powerful Staffing Tools

Searching for Qualified Candidates

1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience

Fact: JobDiva is the only Applicant Tracking System that can search by years of experience.

Other Applicant Tracking Systems' search capabilities are limited to key word matches – the usual clumsy search engine method standard to the market, while our patent-pending technology allows users to sharpen their results exponentially.

JobDiva can search for the years of experience associated with a required skill or industry.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
00:36 / 02:08

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Searching for Qualified Candidates

JobDIVA
Powerful Staffing Tools

1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience

This seemingly minor adjustment to the search process is in fact a tipping point: it profoundly changes the recruiting process.

Wasting time reading through the wrong resumes absorbs the majority of a recruiter's day.

When the very first search sifts out most unqualified candidates, time and energy can be refocused elsewhere: expanding the screening, assessing and qualifying processes, servicing more jobs, etc.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
01/03 / 02:08

Slide 2 / 4 | Stopped

JobDiva
Powerful Staffing Tools

Searching for Qualified Candidates

1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience

These days, with the Internet and competing staffing companies funneling hundreds of potential candidates toward a single opening, hiring managers can afford to be picky.

Many are looking for a complex set of skills.

They don't just want an expert in one area. They want that expertise augmented with specific technologies or industry experience.

Or sometimes they're looking for at least one of several qualities. This can create a confounding puzzle in satisfying every job order.

CONTACT US

FORWARD THIS PRESENTATION

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01:34 / 02:05

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JobDiva
Powerful Staffing Tools

Searching for Qualified Candidates

1. Search Resumes Utilizing Boolean Logic Qualified by Years of Experience

But JobDiva will help you satisfy the most discriminating hiring managers without unnecessarily burning an inordinate amount of time.

By delivering the few people who meet the job's requirements, JobDiva enables the recruiter to locate and qualify the best available candidate rather than just the first candidate who meets the minimum requirements.

And JobDiva delivers this short, high-quality list of candidates rapidly.

There's no need to cut corners with JobDiva. Deliver your clients the best candidate every time.

CONTACT US

FORWARD THIS PRESENTATION

Slide 2 / 4 | Stopped

1-866-JOB-DIVA

02/08 / 02:08

JobDiva
Powerful Staffing Tools

Searching for Qualified Candidates

2. Search Resumes for Synonyms and Implications

- ★ *Make Intelligent Deductions*
- ★ *Take Advantage of JobDiva's Rich Thesaurus*

CONTACT US

FORWARD THIS PRESENTATION

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00:08 / 00:39

Slide 3 / 4 | Stopped

A0487

JobDIVA
Powerful Staffing Tools

Searching for Qualified Candidates

2. Search Resumes for Synonyms and Implications

JobDiva's search engine deduces relevant industry and skill experience from implying terms, a process called 'mapping.'

For example, a search for candidates with experience in 'cardiac' care will map to 'heart,' 'Java' will map to 'J2EE', and 'banking' to all brand name banks.

After only a few years, we have amassed a thesaurus with over 30,000 implications, and every day the thesaurus deepens.

CONTACT US

FORWARD THIS PRESENTATION

Slide 3 / 4 | Stopped

1-866-JOB-DIVA

00:31:00:39

A0488

JobDIVA
Powerful Staffing Tools

Searching for Qualified Candidates

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

- ★ *Exclude Criteria to Narrow Search Further*
- ★ *Refine Candidate Lists by Geography, Pay Range, Education and Other*
- ★ *Perform Text Searches on Privately-Defined Attributes of Candidates*
- ★ *Browse Skilled Candidate Pool and Availability Irrespective of the Existence of an Opening*

CONTACT US

FORWARD THIS PRESENTATION

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A0489

JOB DIVA
Powerful Staffing Tools

Searching for Qualified Candidates

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

JobDiva allows you to filter search returns not only based on criteria but also excluding some others.

This helps whittle down the list to candidates with just the appropriate amount of experience, in the right area, with a suitable pay range or required skills or education.

And it's just one more way JobDiva makes sure your recruiters connect with only the best-fitting candidates.

CONTACT US

FORWARD THIS PRESENTATION

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00:52 / 02:03

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JobDIVA
Powerful Staffing Tools

Searching for Qualified Candidates

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

Additionally, look for candidates by state, by phone area code, or by a radius to a zip code.

If a certain level of education is required, you can select a minimum degree in JobDiva and even specify what the major or area of study was.

The exclude tab can also help you eliminate candidates outside of the possible pay range for the position.

CONTACT US

FORWARD THIS PRESENTATION

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Slide 4 / 4 | Stopped

A0491

JobDiva
Powerful Staffing Tools

Searching for Qualified Candidates

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

Your search criteria can also include qualifications and attributes that are predefined in JobDiva while they can be adjusted and configured to your liking.

These qualifications may include references, security clearance, willingness to travel, visa status, free formatted fields and more.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA
01/24/12 02:03

Slide 4 of 8 | Stopped

The image shows a presentation slide for JobDiva. The slide has a blue header with the text 'Searching for Qualified Candidates' in white. Below the header is a large blue graphic with a yellow lightning bolt. The main content area is white and features a large heading '3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More'. Below this heading is a sub-heading 'These qualifications will allow recruiters:' followed by four bullet points: 'To take advantage of historical data for previously screened candidates', 'To utilize the information that's already been gathered', 'To search for candidates whose references recorded in your system', and 'To return only candidates who have expressed openness to relocating or traveling.' At the bottom of the slide, there are two buttons: 'CONTACT US' and 'FORWARD THIS PRESENTATION'. The JobDiva logo is in the top left corner, and the text 'Powerful Staffing Tools' is to its right. The slide number 'Slide 4 / 4' and the text 'Stopped' are in the bottom right corner. A phone number '1-866-JOB-DIVA' is in the top right corner.

JobDiva Powerful Staffing Tools

Searching for Qualified Candidates

Introduction

1. Search Resumes with Boolean Logic
2. Search Resumes for Synonyms & Implications
3. **Combine the Above Searches with Traditional Filters**

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

These qualifications will allow recruiters:


- To take advantage of historical data for previously screened candidates
- To utilize the information that's already been gathered
- To search for candidates whose references recorded in your system
- To return only candidates who have expressed openness to relocating or traveling.

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

Slide 4 / 4 | Stopped



Searching for Qualified Candidates

3. Combine the Above Searches with Traditional Filters of Location, Pay, Education, Exclusion, Licenses and More

JobDiva also allows you to search and survey the candidate pool without even creating a job in the system through the use of an open Talent Search.

Searching for Qualified Candidates

Introduction

1. Search Resumes with Boolean Logic
2. Search Resumes for Synonyms & Implications
3. Combine the Above Searches with Traditional Filters

CONTACT US

FORWARD THIS PRESENTATION

1-866-JOB-DIVA

52-03 / 02-01

Slide 4 / 8 | Stopped

Trademark Trial and Appeal Board Electronic Filing System. <http://esta.uspto.gov>ESTTA Tracking number: **ESTTA278730**Filing date: **04/17/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	JobDiva, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	116 John Street 14th Floor NEW YORK, NY 10038 UNITED STATES		

Attorney information	James H. Donoian, Esq. Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166 UNITED STATES nytmkt@gtlaw.com,donoianj@gtlaw.com,blockerd@gtlaw.com,falbyo@gtlaw.com,biancoc@gtlaw.com Phone:212.801.9200
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Registration Subject to Cancellation

Registration No	3103253	Registration date	06/13/2006
Registrant	JOBVITE, INC. PIER 1, BAY 3 SAN FRANCISCO, CA 94111 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2004/05/31 First Use In Commerce: 2004/11/23
All goods and services in the class are cancelled, namely: Providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2851917	Application Date	08/06/2002
Registration Date	06/08/2004	Foreign Priority Date	NONE
Word Mark	JOBDIVA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Personnel placement and recruitment

U.S. Registration No.	3013235	Application Date	07/21/2004
Registration Date	11/08/2005	Foreign Priority Date	NONE
Word Mark	JOB DIVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/31 First Use In Commerce: 2003/05/31 Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network		

Attachments	78454470#TMSN.jpeg (1 page)(bytes) Job Diva Petition for Cancellation.pdf (21 pages)(770551 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JHD/
Name	James H. Donoian, Esq.
Date	04/17/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Registration No. 3,103,253
Mark: JOBVITE**

JOBDIVA, INC.,

Petitioner,

v.

JOBVITE, INC.,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

Jobdiva, Inc. (hereinafter referred to as "Petitioner"), a corporation organized and existing under the laws of the State of Delaware, located and doing business at 116 John Street, 14th Floor, New York, New York 10038, believes that it is and will continue to be damaged by Registration No. 3103253, owned by Jobvite, Inc., a corporation organized and existing under the laws of the State of Delaware, located and doing business at Pier 1, Bay 3, San Francisco, California 94111 ("Respondent"), and hereby petitions to cancel same.

As grounds for cancellation, Petitioner alleges the following:

1. Since 2003, Petitioner has been engaged in the business of, *inter alia*, providing end-to-end personnel placement, recruitment and applicant tracking solutions to large and mid-sized staffing organizations worldwide, including in the United States. Petitioner's products and services include a workflow system and process delivered as a service enabling staffing companies to swiftly cultivate the wealth of information that is available today through the Internet.

2. Petitioner promotes, markets, distributes, offers for sale and sells its goods and services under the trademark JOBDIVA and other marks that incorporate the literal element JOBDIVA, including, but not limited to the following: JOBDIVA, and JOBDIVA and design.

3. Petitioner is the owner of the following valid and subsisting United States Trademark Registrations: No. 2,851,917, for JOBDIVA, which was registered on the Principal Register on June 8, 2004 covering "Personnel placement and recruitment services" in Class 035; and No. 3,013,235 for JOBDIVA & Design, which was registered on the Principal Register on August 16, 2005, covering "Personnel placement and recruitment services; computer services, namely, providing databases featuring recruitment and employment, employment advertising, career information and resources, resume creation, resume transmittals and communication of responses thereto via a global computer network" in Class 035 ("Petitioner's JOBDIVA Marks"). A copy of these registrations are attached hereto as Exhibit A.

4. Since at least as early as March 2003, Petitioner has continuously used the trademarks JOBDIVA and JOBDIVA & Design in commerce with or in connection with the above-referenced employment and recruitment services. Petitioner's extensive and continuous use of Petitioner's JOBDIVA Marks has generated substantial revenue and valuable goodwill and reputation.

5. Petitioner has made a substantial investment in advertising and promoting its goods and services bearing Petitioner's JOBDIVA Marks since at least as early as May 2003.

6. On or about November 25, 2004, well after Petitioner first adopted and used Petitioner's JOBDIVA Marks in commerce, Respondent filed Application Serial No. 78/522,998 for registration of the mark JOBVITE pursuant to Section 1(a) of the Trademark Act

(hereafter, the “‘998 Application”). The ‘998 Application was published for opposition on March 21, 2006. A copy of the application is attached hereto as Exhibit B.

7. On or about June 13, 2006, the United States Patent and Trademark Office (the “USPTO”) issued a Certificate of Registration No. 3,103,253 for Respondent’s alleged mark JOBVITE for use in connection with “Providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions” in Class 035, with an alleged first use date in commerce of November 23, 2004 (hereafter the “‘253 Registration”). A copy of the Certificate of Registration is attached hereto as Exhibit C.

8. Petitioner’s first use of Petitioner’s JOBDIVA Marks of May 31, 2003 and filing date of July 21, 2004 was long prior to Respondent’s claimed date of first use, application filing date or date of registration for its alleged mark JOBVITE.

COUNT I
LIKELIHOOD OF CONFUSION

9. Petitioner repeats and realleges each and every allegation set forth in paragraphs 1 through 8 herein.

10. Respondent’s alleged mark JOBVITE and Petitioner’s JOBDIVA Marks are confusingly similar in appearance, sound, connotation and commercial impression. Additionally, the services covered by the ‘253 Registration are related to the services with which the Petitioner’s JOBDIVA Marks are registered and used.

11. Based on the foregoing, the contemporaneous use and continued registration by Respondent of the alleged mark JOBVITE and by the Petitioner of Petitioner’s JOBDIVA Marks is likely to deceive or cause mistake or confusion under 15 U.S.C. §1052(d).

12. Respondent's alleged mark so resembles Petitioner's JOBDIVA Marks as to be likely, when applied to Respondent's services, to constitute false representation under 15 U.S.C. §1125(a) that: (i) Respondent's services are approved or sponsored by Petitioner; (ii) Respondent's business is connected or affiliated with Petitioner; (c) Respondent's alleged mark is a version of Petitioner's JOBDIVA Marks; or (d) the respective products are related, thereby deceiving the public and causing damage to Petitioner within the meaning of 15 U.S.C. §1052(d) and 15 U.S.C. §1125(a). As a result, Petitioner will suffer irreparable damage and injury.

COUNT II

The '253 REGISTRATION WAS OBTAINED FRAUDULENTLY

13. Petitioner repeats and realleges each and every allegation set forth in paragraphs 1 through 12 herein.

14. Respondent filed the '998 Application on November 25, 2004 for the mark JOBVITE pursuant to 1(a) of the Lanham Act. On information and belief, in said application for the alleged mark JOBVITE, Respondent declared under oath that, "the mark was first used at least as early as 05/31/2004, and first used in commerce at least as early as 11/23/2004, and is now in use in such commerce." See Exhibit B.

15. Respondent's '253 Registration for JOBVITE was issued on June 13, 2006 for the following services: "Providing employment-related services via an online website, namely, providing employment and career information, providing job referral, posting and listing services, and providing business networking services including arranging business introductions" in Class 035.

16. Upon information and belief, Respondent was not using the alleged mark JOBVITE in U.S. commerce with or in connection with all of the services identified in the '253 Registration as of the date the '998 Application was filed.

17. Upon information and belief, Respondent was not using the alleged mark JOBVITE in U.S. commerce with or in connection with all of the goods identified in the '253 Registration as of the date of publication of the '998 Application.

18. On information and belief, Respondent had knowingly submitted false and fraudulent statements to the USPTO as to its use of the alleged JOBVITE trademark in commerce, on or in connection with all of the services identified in the '253 Registration and/or the '998 Application.

19. On information and belief, the false and fraudulent statements submitted by Respondent were made with the intent to induce authorized agents of the USPTO to grant the '253 Registration, who reasonably relied upon the truth of said false and fraudulent statements in granting the registration.

20. On information and belief, the conduct of Respondent constitutes fraud on the USPTO and, as such, the '253 Registration is subject to cancellation.

RELIEF REQUESTED

WHEREFORE, Petitioner prays that Registration No. 3,103,253 be canceled and this Petition to Cancel sustained.

Respectfully submitted,

GREENBERG TRAURIG LLP

Dated: April 17, 2009

By: /JHD/
James H. Donoian, Esq.
Deidre D. Blocker, Esq.
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400
Attorneys for Jobdiva, Inc.

Certificate of Service

I hereby certify that on April 17, 2009, a true copy of the foregoing Petition for Cancellation was served upon Respondent via First Class Mail upon Respondent at the following address:

Jobvite, Inc.
Pier 1
Bay 3
San Francisco, California 94111

/OAF/
Orrin A. Falby

EXHIBIT A

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,851,917

Registered June 8, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

JOBDIVA

ALGOMOD TECHNOLOGIES CORPORATION
(NEW YORK CORPORATION)
116 JOHN STREET
NEW YORK, NY 10038

FIRST USE 5-0-2003; IN COMMERCE 5-0-2003.

SN 78-151,468, FILED 8-6-2002.

FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

PAULA MAYS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,013,235

Registered Nov. 8, 2005

**SERVICE MARK
PRINCIPAL REGISTER**



JOBDIVA INC. (DELAWARE CORPORATION)
14TH FLOOR
116 JOHN STREET
NEW YORK, NY 10038

SPONSORS THERETO VIA A GLOBAL COMPUTER
NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 5-31-2003; IN COMMERCE 5-31-2003.

OWNER OF U.S. REG. NO. 2,851,917.

SER. NO. 78-454,470, FILED 7-21-2004.

FOR: PERSONNEL PLACEMENT AND RE-
CRUITMENT SERVICES; COMPUTER SERVICES,
NAMELY, PROVIDING DATABASES FEATURING
RECRUITMENT AND EMPLOYMENT, EMPLOY-
MENT ADVERTISING, CAREER INFORMATION
AND RESOURCES, RESUME CREATION, RESUME
TRANSMITTALS AND COMMUNICATION OF RE-

MARCIE MILONE, EXAMINING ATTORNEY

EXHIBIT B

USPTO Form 3679 (Rev. 6/2005)
 1559 (Rev. 05/01-05/09) (E-Publication)

Trademark/Service Mark Application, Principal Register

Serial Number: 78522998

Filing Date: 11/25/2004

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	<u>JOBVITE</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	JOBVITE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	FORUM JOBS, INC.
STREET	792 Bay Street #1346
CITY	San Francisco
STATE	CA
ZIP/POSTAL CODE	94109
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
	Computer services, namely, providing

DESCRIPTION	information, introductions and job referral, posting and listing services and other business oriented online information and business networking services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/31/2004
FIRST USE IN COMMERCE DATE	At least as early as 11/23/2004
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\785\229\78522998\xml1\ APP0003.JPG
	\\TICRS\EXPORT11\IMAGEOUT 11\785\229\78522998\xml1\ APP0004.JPG
SPECIMEN DESCRIPTION	Web pages advertising the services
SIGNATURE SECTION	
SIGNATORY FILE	\\TICRS\EXPORT11\IMAGEOUT 11\785\229\78522998\xml1\ APP0005.JPG
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Martin R. Greenstein
FIRM NAME	TechMark a Law Corporation
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AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	ForumJobs-JobVite
OTHER APPOINTED ATTORNEY(S)	Neil D. Greenstein, Lee D. Green
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AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Thu Nov 25 00:29:10 EST 2004
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FILED BY: (K) 6/2/05
 13MB To: 05/1/0009 (Exp 12/1/0009)

Trademark/Service Mark Application, Principal Register

Serial Number: 78522998

Filing Date: 11/25/2004

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of JOBVITE.

The applicant, FORUM JOBS, INC., a corporation of Delaware, residing at 792 Bay Street #1346, San Francisco, CA, United States, 94109, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 045: Computer services, namely, providing information, introductions and job referral, posting and listing services and other business oriented online information and business networking services

In International Class 045, the mark was first used at least as early as 05/31/2004, and first used in commerce at least as early as 11/23/2004, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Web pages advertising the services.

Specimen - 1

Specimen - 2

The applicant hereby appoints Martin R. Greenstein and Neil D. Greenstein, Lee D. Green of TechMark a Law Corporation, 55 So. Market St., Sixteenth Floor, San Jose, CA, United States, 95113-2327 to submit this application on behalf of the applicant. The attorney docket/reference number is ForumJobs-JobVite.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: MRG@TechMark.com.

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right

to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Signature: Signature

Mailing Address:

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55 So. Market St., Sixteenth Floor
San Jose, CA 95113-2327

RAM Sale Number: 512

RAM Accounting Date: 11/26/2004

Serial Number: 78522998

Internet Transmission Date: Thu Nov 25 00:29:10 EST 2004

TEAS Stamp: USPTO/BAS-1721931086-2004112500291047166

2-78522998-200304913cf33f974125f1a21a942

fe2a81-CC-512-20041125002515581942

JOBVITE



:: Forumjobs Solutions:

We offer three unique solutions to help you hire the right candidates in a secure and efficient way, using our unique Jobvite™ networking system. All are hosted on our secure servers with no software or downloads to install. Upgrading to another edition is seamless.

1. **Forumjobs Individual Edition:** For hiring managers with jobs to fill. Post jobs and let your contacts know by sending them a Jobvite. Forumjobs keeps track of the connections to the applicants and all communication is handled through our secure server.

Pricing: During our introductory period, you can post your jobs for FREE with Forumjobs. After that, you can post one job for 30 days with unlimited Jobvite invitations for \$199.

2. **Forumjobs Corporate Edition:** For companies that need more robust hiring management tools:

- Matches and ranks resumes with job postings based on qualifications, experience and connections
- Tracks all communication between hiring managers, human resources, and applicants in one convenient place
- Job posts can be displayed on the company's career web site directly through Human Resources (the IT department is not involved)
- Employees can send unlimited Jobvite invitations to their trusted contacts
- The employee referral program is tracked directly
- Provides detailed reporting
- Integrates with recruiters

Pricing: Contact us at sales@forumjobs.com

3. **Forumjobs Enterprise Edition:** For companies that want to integrate Forumjobs into their existing solution.

Pricing: Contact us at sales@forumjobs.com

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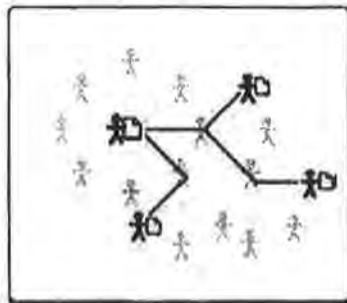
How Forumjobs Works

Forumjobs makes it easy to hire the right candidate in a secure and efficient way:

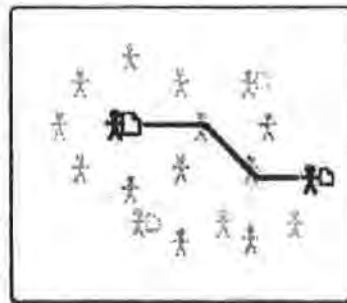
1. Post a job on Forumjobs
2. Refer the job by sending a Jobvite™ to your network
3. Your network expands as your contacts send the Jobvite to their colleagues
4. "Connected" candidates apply to the job
5. The right candidate is identified based on connection, qualifications and experience.



You post a job on Forumjobs and spread the word by sending a Jobvite to your network.



Your contacts refer the Jobvite to friends and associates. The network expands rapidly. Qualified applicants apply.



The right candidate is found based on connection, qualifications and experience.

This process is managed on our secure web site, where easy-to-use tools help build the network and track how candidates are connected to the job. Applications are sourced, ranked and matched with open positions. By optimizing this process, companies like yours save time and maximize revenue.

DECLARATION

The undersigned, being warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that Declarant is properly authorized to execute this application on behalf of the applicant; that Declarant believes the applicant to be the owner of the trademark/service mark sought to be registered, or if the application is being filed under 15 U.S.C. §1051(b), 1126(d) or 1126(e) that Declarant believes applicant to be entitled to use such mark in commerce; that applicant has/had a bona fide intention to use the mark in commerce on or in connection with the goods and/or services listed in the application as of the application filing date, and/or if the application is being filed under 15 U.S.C. §1051(a) that the mark is now in use in commerce and was in use in commerce on or in connection with the goods/services listed in the application as of the application filing date; that to the best of Declarant's knowledge and belief no other person, firm, corporation or association has the right to use the mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true.


POWER OF ATTORNEY

Applicant hereby appoints Martin R. Greenstein, Neil D. Greenstein, and Lee D. Green, members in good standing of the Bar of the State of California, c/o TechMark, 55 South Market Street, Sixteenth Floor, San Jose, Calif. 95113-2327, 408/280-2233, to prosecute this application, to transact all business in the U.S. Patent and Trademark Office in connection therewith, and to receive the certificate of registration. All correspondence should be addressed to Martin R. Greenstein.

Dated this 11th day of November 2004.

FORUM JOBS, INC.

By:
Title:


JESPER SCHULTE
CEO

Martin R. Greenstein, Esq.
TechMark a Law Corporation
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Attorney For Applicant

U.S. Power - Corporation

EXHIBIT C

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,103,253

United States Patent and Trademark Office

Registered June 13, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

JOBVITE

FORUM JOBS, INC. (DELAWARE CORPORATION)
792 BAY STREET #1346
SAN FRANCISCO, CA 94109

FIRST USE 5-31-2004; IN COMMERCE 11-23-2004.

FOR: PROVIDING EMPLOYMENT-RELATED SERVICES VIA AN ONLINE WEBSITE, NAMELY, PROVIDING EMPLOYMENT AND CAREER INFORMATION, PROVIDING JOB REFERRAL, POSTING AND LISTING SERVICES, AND PROVIDING BUSINESS NETWORKING SERVICES INCLUDING ARRANGING BUSINESS INTRODUCTIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-522,998, FILED 11-25-2004.

SKYE YOUNG, EXAMINING ATTORNEY

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA672493**

Filing date: **05/15/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050828
Party	Plaintiff JobDiva, Inc.
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Submission	Other Motions/Papers
Filer's Name	Daniel I. Schloss
Filer's e-mail	schlossd@gtlaw.com
Signature	/Daniel I. Schloss/
Date	05/15/2015
Attachments	ReqReconsid92050828.pdf(132281 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOBDIVA INC.

Petitioner/Counterclaim
Respondent,

v.

JOBVITE, INC.

Respondent/
Counterclaimant.

Cancellation No. 92050828

REQUEST FOR RECONSIDERATION ON ABANDONMENT COUNTERCLAIM

JobDiva hereby requests reconsideration in part of the Board's decision mailed April 16, 2015 ("Order") to the extent the Board found abandonment through nonuse of JobDiva's marks for "personnel placement and recruitment" services. JobDiva respectfully submits that the Board overlooked significant evidence of record demonstrating that it provides personnel placement and recruitment services.

Citing dictionary definitions, the Board's Order restated "personnel placement and recruitment" as "finding and placing people in jobs at other companies or providing personnel staffing services for others." Order at 12-13. The Board stated in the Order that "[t]here is no reference on Petitioner's web site to Petitioner's performance of personnel placement and recruitment services other than supplying Petitioner's software," *id.* at 15, and that "there is no evidence of use of Petitioner's marks in connection with 'personnel placement and recruitment' services." *Id.* at 16. Finally, the Board stated in the Order that "Petitioner confuses the service of providing a software solution for personnel placement and recruitment with actually rendering personnel placement and recruitment services." *Id.* at 16. JobDiva respectfully submits that

abundant evidence of record shows that JobDiva in fact provides the service of “finding and placing people in jobs at other companies or providing personnel staffing services for others.”

The evidence of record shows that JobDiva actively performs many tasks identical to those performed by traditional recruiters in person, by phone, or through tedious manual processes.

The following illustrative examples of JobDiva’s personnel placement and recruitment services are just some of those contained in the record, much of it drawn from materials on JobDiva’s website:

- Collecting, reviewing, and analyzing job candidate resumes for client-specified job openings and identifying, selecting, and recommending the best candidates for available client job openings.¹
- Evaluating for its clients the qualifications of candidates who have expressed interest in a specific position.²
- Helping clients advertise and promote their job openings.³
- Communicating with job candidates who apply to its clients’ open positions, advising and assisting them by recommending particular jobs based on skillsets

¹ See, e.g., 82 TTABVUE 25 (“JobDiva aggregates resumes for its clients, employers, from the job boards . . . they apply to job boards to source candidates and that is usually a manual exercise,” but JobDiva can “search the job board’s sites and databases for candidates on behalf of employers who are subscribing to these job boards, so it’s almost like an outsource function that JobDiva performs in the recruiting process.”); 90 TTABVUE 58 (JobDiva’s “harvesters are constantly sourcing from job boards. They’ll be searching based on your specific criteria of all jobs”); 90 TTABVUE 60 (“Just by saving criteria for a job, you will prompt harvesters to travel out to the job boards and search for matching resumes”); 90 TTABVUE 85 (“JobDiva replaces a tedious manual search [for resumes], data entry and maintenance process. It also replaces manual sourcing and other sourcing processes.”); 90 TTABVUE 86 (“Twenty four hours a day, seven days a week JobDiva’s harvesters will be working silently in the background. Don’t wait for [human job] sourcers to troll the Internet for resumes.”)

² See, e.g., 90 TTABVUE 16 (“if a candidate expresses interest in a position, simply type in the job number and let JobDiva tell you if the job’s requirements and the candidate’s resume match”).

³ 90 TTABVUE 19 (“This [candidate] portal pushes your open jobs out to the world, giving you effectively free advertising, while simultaneously drawing fresh candidates into your database.”); 90 TTABVUE 56 (“JobDiva also advertises your selected jobs on your own website.”); see also 77 TTABVUE 77.

and communicating issues concerning their submitted resumes.⁴

The services described above are all clearly “personnel placement and recruitment” services and JobDiva’s provision of these services is documented amply in the evidence of record. Personnel placement and recruitment services are at the core of JobDiva’s business, which is to render these services on a software-as-a-service or “SaaS” basis to third parties. The fact that JobDiva’s personnel placement and recruitment services are rendered on a SaaS basis using technology and automated methods does not detract in any way from the essential nature of its services.

In view of the foregoing, Petitioner respectfully requests that the Board grant JobDiva’s Request for Reconsideration and dismiss the abandonment counterclaims with prejudice.

Respectfully submitted,

Dated: May 15, 2015

By:

/Daniel I. Schloss/

Daniel I. Schloss

Daniel J. Navarro

Melissa B. Berger

GREENBERG TRAURIG, LLP

200 Park Avenue

New York, New York 10166

Tel: (212) 801-2256

Attorneys for JobDiva Inc.

⁴ See, e.g., 82 TTABVUE 23 (JobDiva’s candidate “portal displays to a visiting candidate the job requisitions that the company has, enables the candidate to apply to these jobs and the portal interacts with the candidate, so, for instance, the portal will be able to analyze the candidate’s resume and give him feedback on his resume, the portal is also able to analyze the candidate’s resume and display to him the best jobs that the company, the best openings that the company has that might be suited for him based on his resume and based on the requirements of the jobs.”); 82 TTABVUE 23 (“if the [candidate] omitted to enter a phone number, omitted to enter a zip code or an address, [JobDiva] will recommend that he does that the next time he posts a resume or updates his data and also questions him on inconsistencies in his job[s]”); 82 TTABVUE 24 (“Again, [JobDiva] highlights if there are gaps in [a candidate’s] resume” with respect to “the chronology of the work history.”); 82 TTABVUE 24 (“Once a candidate uploads his resume then there is a capability where the candidate can say of those hundreds of jobs that this company has, which ones do you believe might be suited for me, so [JobDiva] focuses him on the ones that are more suited for him.”); 90 TTABVUE 21 (“[Candidates] can also search for ‘ideal’ jobs, letting JobDiva evaluate their resume against all open jobs in the system and suggest possible fits.”)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Reconsideration has been served, on this 15th day of May, 2015, by first class mail, postage prepaid, upon Respondent at the following correspondence address of its counsel of record:

Martin R. Greenstein, Esq.
Techmark
4820 Harwood Road, 2nd Floor
San Jose, CA 95124

/Melissa Berger/
Melissa Berger

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on April 25, 2016
by:

- ☐ U.S. Mail
☐ Fax
☐ Hand
☒ Electronic Means (by E-mail or CM/ECF)

Daniel I. Schloss

Name of Counsel

/s/ Daniel I. Schloss

Signature of Counsel

Law Firm

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Address

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New York, NY 10166

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.

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